

**CAP MEETING – 11 February 2026**

**ITEM 8.1**

<b>DEVELOPMENT NO.:</b>	25028606
<b>APPLICANT:</b>	Development Holdings Pty Ltd
<b>ADDRESS:</b>	52 Pomona Rd Stirling SA 5152
<b>NATURE OF DEVELOPMENT:</b>	Variation to DA 23020199 including reduction in capacity, reduction in building height from two levels to single level, reconfigurations of the areas and the floor layout, changes to the external materials, change to the site levels including retaining walls and fencing and addition of shade sail, freestanding advertising sign.
<b>ZONING INFORMATION:</b>	<p><b>Zones</b> Rural Neighbourhood</p> <p><b>Sub Zones</b> Adelaide Hills</p> <p><b>Overlays</b></p> <ul style="list-style-type: none"> <li>• Hazards (Bushfire - Medium Risk) (Medium)</li> <li>• Local Heritage Place (15134)</li> <li>• Mount Lofty Ranges Water Supply Catchment (Area 2)</li> <li>• Native Vegetation</li> <li>• Prescribed Water Resources Area</li> <li>• Regulated and Significant Tree</li> <li>• Traffic Generating Development</li> </ul>
<b>LODGEMENT DATE:</b>	17 Oct 2025
<b>RELEVANT AUTHORITY:</b>	Adelaide Hills Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2025.19
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Chandini Kumar Statutory Planner
<b>REFERRALS STATUTORY:</b>	None
<b>REFERRALS NON-STATUTORY:</b>	Council's Engineering Council's Local Heritage Advisor Council's Environmental Health Council's Arborist

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#### DETAILED DESCRIPTION OF PROPOSAL:

The proposal is for a variation to DA 23020199 including reduction in capacity, reduction in building height from two levels to single level, reconfigurations of the floor area and the floor layout, changes to the external materials, change to the site levels including retaining walls, fencing, along with addition three new shade sail structures and freestanding advertising sign.

The proposal does not intend to change the essential nature of the approved development under DA 23020199.

The variations proposed are summarised below:

- Reduction in childcare capacity by 12 children, from 118 to 106.
- Reduction in building scale from two levels to single level.
- Reduction of four (4) car parking spaces.
- Building footprint and outdoor play areas reconfigured to correspond to the amended building design.
- Amendments to roof form with new clerestory windows.
- Revised building materials to better align with the local heritage place and natural environment, including pale eucalypt-coloured roofing and finishes, limestone blocks, and rendered/cement sheet wall cladding.
- New congregation space proposed in front of the childcare entrance, with a projecting awning to define the entry.
- Extent of fill along site boundaries reduced.
- Front picket fencing replaced with metal slat fencing, and rear outdoor play areas enclosed by fencing.
- Three new shade and canopy structures added within outdoor play areas, including partially roofed verandah and pergola structures with permeable shade sails.
- Signage scheme revised, with a large side wall sign replaced by a smaller circular non illuminated wall sign under the proposed entrance canopy.
- Addition of a freestanding blade sign with an overall height of 1.8 metres, located at the pedestrian entry to the site.

#### BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL	NOTES
26/07/2024	23020199	Change of use to childcare centre including alterations and additions to a Local Heritage Place, retaining walls and fencing with associated car parking and landscaping	Council Assessment Panel being the decision authority previously refused the application on 06 March 2024. The Decision was overturned in compromise by the Environment, Resources and Development (ERD) Court of South Australia Court Order Case Number: ERD-24-000033

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			dated 26 July 2024. <b>(Attachment 7)</b>
02/09/2009	473/626/2009	Significant Tree Removal - 1 Picea (spruce) from road reserve adjacent to 52 Pomona Road, Stirling	Nil
13/06/2007	473/336/2007	Significant Tree Removal - One(1) Picea orientalis (Oriental Spruce)	Nil
03/03/1981	1416	Home Activity (Land Agent Office)	Nil
13/04/1976	10370	Garage	Nil

**SUBJECT LAND & LOCALITY:**

**Location reference:** 52 Pomona Road Stirling SA 5152

**Title ref.:** CT 5355/911 **Plan Parcel:** F158404 AL58

**Site Description:**

The subject land is an irregular shaped allotment of approximately 3022m<sup>2</sup> in area with a 57.9m frontage on the higher side of Pomona Road. The subject land is one of the larger allotments in the locality. The allotment has a gentle cross fall east to west with the western portion of the allotment being relatively flat.

The subject land is one of the established allotments in the locality containing a Local Heritage Place along the front eastern portion of the property. The existing building is used as a dwelling currently and was formally the coach house for the nearby Duncraig property and associated with the noted pastoralist Walter Hughes Duncan. The building can be described as a single storey building with stone walls and rendered surrounds and corrugated iron roof.

Other site features include associated domestic structures, paving and fencing. The site also features dense vegetation surrounding and to the rear of the dwelling. None of the vegetation on the subject land has been identified as being native or containing regulated trees.

There are four regulated trees located on the adjoining property at 56 Pomona Road, with their Tree Protection Zones extending onto the subject site. In addition, there is a Council-owned tree within the Pomona Road verge, with its Tree Protection Zone also extending onto the subject land.

**Locality:**

The locality can be divided into two parts. The first one being that of the immediate locality which can be described as having an established neighbourhood character with a mixture of allotment shapes and sizes predominantly used for residential purposes. The second part is the one of a wider locality being stretching further west along Pomona Road to the roundabout at the intersection with Mount Barker Road which can be described as one of mixed allotment sizes with uses ranging from residential to commercial uses.

All the properties in the locality face Pomona Road, Merion Terrace, Gould Road, and Duncraig Lane all of which are two-way streets under the care and control of Adelaide Hills Council. Immediately to the north and running parallel to Pomona Road is the South-Eastern Freeway.

The building profile in the locality is a mixture of older and newer housing stock of both single and double storey in nature. The locality is also defined by dense and mature vegetation found either along the council road reserve or on private properties.

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#### CONSENT TYPE REQUIRED:

Planning Consent

#### CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

- Advertisement - Code Assessed - Performance Assessed
- Child Care Facility - Code Assessed - Performance Assessed
- Change of use - Code Assessed - Performance Assessed
- Deck - Code Assessed - Performance Assessed
- Partial demolition of a building or structure - Code Assessed - Performance Assessed
- Fence - Code Assessed - Performance Assessed
- Retaining wall - Code Assessed - Performance Assessed
- Tree-damaging activity - Code Assessed - Performance Assessed
- Shade sail - Code Assessed - Performance Assessed
- Verandah - Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code

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 Rural Neighbourhood 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**

A childcare facility is not listed as being exempt from public notification in Table 5 - Procedural Matters of the Rural Neighbourhood Zone. This proposal is not considered to be a minor form of development, and therefore Public Notification was required.

Public Notification period – 01 Dec 2025 - 19 Dec 2025

- **LIST OF REPRESENTATIONS**

Six (6) representations were received during the public notification period. None of the representors wish to be heard in support of their written representation. The representors details are below.

**Representors who do not wish to be heard:**

Representor Name	Representor's Property Address
Anthony Ferencz	57 Pomona Road, Stirling SA 5152
Ieuan Chapman	40 Merrion Terrace, Stirling SA 5152
Jane Conners	55 Pomona Road, Stirling SA 5152
Jason Jacob	61 Pomona Road, Stirling SA 5152
Katherine Jacob	61 Pomona Road, Stirling SA 5152
Kristen Beltrame	50 Pomona Road, Stirling SA 5152

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**• SUMMARY**

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

- Increase in traffic movements on Pomona Road, including congestion during peak drop-off and pick-up periods, road safety concerns for pedestrians and cyclists, and potential parking impacts.
- Noise impacts associated with centre operations, outdoor play areas, vehicle movements, and construction activities.
- Concern that multiple childcare facilities already exist in the locality and that no additional centre is required.
- Potential impact on the Local Heritage Place, including alteration to the historic dwelling and its setting.
- Incompatibility of the proposed childcare use with the surrounding residential / Rural Neighbourhood area.
- Adverse visual and amenity impacts that would detract from the character and streetscape of the locality, including signage, car parking and vegetation removal.
- Concerns that the development represents an inappropriate bulk and scale for the site and surrounding area.
- Extent of excavation, earthworks, retaining walls and associated changes to site levels.

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

**AGENCY REFERRALS**

None

**INTERNAL REFERRALS**

**• Council's Engineering**

Council Engineering has reviewed the documentation provided for this development specifically considering the following:

1. Traffic management.
2. Stormwater management.

No comments were provided, as such, the proposed development is considered to satisfy Council's engineering requirements.

**• Council's Environmental Health**

Advised the applicant of Food Act 2001 requirements.

**• Council's Local Heritage Advisor**

Council Heritage Advisor has reviewed the amended plans along with the heritage report prepared by DASH Architects and have advised that they are satisfied with the proposal. The following comments were provided:

The proposed development of the Local Heritage Place will result in the original external form being more legible. Some change to the external doors and windows is proposed, however the building has undergone numerous changes over time. The proposed changes will not detract from the cultural and heritage values of the Local Heritage Places, or its ability to demonstrate the heritage criteria for which it is listed. Approval is supported from a heritage perspective.

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- **Council's Arborist**

Council's Arborist has reviewed the project arborist's report and is satisfied that the proposed measures are suitable for the protection of Council's assets. Additionally, it was recommended that a tree protection plan be provided which is included in the provided plans. Recommended **Condition 8** has been included in the recommendation to ensure compliance with this protection plan.

## PLANNING ASSESSMENT

### **Desired outcomes**

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

### **Performance outcomes**

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

### **Designated performance features**

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

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

#### **Zone:**

#### **Rural Neighbourhood Zone:**

<b>Desired Outcome</b>	
DO 1	Housing on large allotments in a spacious rural setting, often together with large outbuildings. Easy access and parking for cars. Considerable space for trees and other vegetation around buildings, as well as on-site wastewater treatment where necessary. Limited goods, services and facilities that enhance rather than compromise rural residential amenity.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1, 1.2, 1.3, 1.4, 2.1, 3.1, 5.1, 6.1, 10.1	
DPFs: 1.1, 1.2, 1.4, 3.1, 5.1, 6.1, 10.1	

The proposed variation does not seek to amend the substantial nature of development from the previous approval. As such, it is considered to continue to align with the outcomes of the Rural Neighbourhood Zone.

The variation proposes a reduction in childcare capacity from 118 to 106 children and a decrease in building height from two levels to single level. This reduced scale and capacity better aligns with the predominant single-storey and low-rise character of buildings in the immediate locality, consistent with PO 1.4.

The setback to the primary street remains unchanged. A minimum setback of 3.5 m is provided to the eastern boundary, with a 2.0 m setback maintained to the western boundary. A rear setback of 7.54 m is also proposed.

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Overall, the setbacks are considered appropriate in providing separation between residential and non-residential land uses as it meets DPF 4.1. It is noted that the 2.0 m setback to the western boundary relates to an open car parking area adjoining 50 Pomona Road, separated by landscaping treatments.

The accompanying reports assessing the amended proposal from Cirqa relating to traffic movements and the Sonus report relating to noise impacts have concluded that the impacts on the amenity of the locality continue to be of reasonable nature provided that appropriate measures are implemented to ensure safe vehicle movements and that noise levels are kept within the required noise level grades under the Planning, Development and Infrastructure Act 2016 (PDI Act).

No amendments to the previously approved operation hours are proposed as part of this variation.

The proposed advertisement directly identifies and relates to the childcare centre use. Both signs are located within the boundaries of the site. The freestanding blade sign has a height of 1.8 m and a display area of 1.1m<sup>2</sup>, while the building-mounted sign has a display area of 2.3m<sup>2</sup>. The freestanding signage is oriented towards the internal pedestrian entry and pathway rather than the streetscape and is not proposed to be illuminated. Although facing the street, the wall mounted signage will be flushed to the wall and under an entrance canopy setback by 22.5m from the street. Accordingly, both signs are considered to be sympathetic to sensitive receivers, as they are non-illuminated and oriented towards internal areas.

#### Adelaide Hills Subzone:

<b>Desired Outcome</b>	
DO 1	Additional residential and tourist accommodation that retains and embraces the values of the established mature vegetation as a defining characteristic of the area.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1	
DPFs 1.1	

The Adelaide Hills Subzone does not include specific provisions relating to childcare facilities, as its policy focus is directed toward envisaged land division, residential development with a limited range of ancillary accommodation options, and, in particular, supported accommodation and tourist accommodation.

However, the Subzone does not expressly limit development to land division, residential or tourist accommodation uses. In the absence of any relevant Performance Outcomes applicable to the proposed development, the Subzone does not provide a clear assessment basis to either support or oppose the proposal.

#### Overlays

##### Hazards (Bushfire – Medium Risk) Overlay

<b>Desired Outcome</b>	
DO 1	Development, including land division responds to the medium level of bushfire risk and potential for ember attack and radiant heat by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change.
DO 2	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1, 2.1, 5.1	
DPFs: 5.1	

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Hazards (Bushfire – Medium Risk) Overlay policies are silent on childcare facility development unlike in the case of Hazards (Bushfire – High Risk) Overlay.

The Overlay still seeks to ensure that safe and effective access and evacuation of fire fighting vehicles, emergency personnel as well as occupants and visitors is provided. The surrounding sealed, public road network is suitable to facilitate emergency service access to the land and the car park area as envisaged by DO 2 and PO 5.1.

The building itself is fully enclosed and will be constructed of appropriate materials to ensure it satisfies the required building code standards.

Additionally, whilst the policies are not directly relevant to childcare facilities it is important to mention that whilst the property has a slight rise from Pomona Road, the works are not proposed on steep slopes and are located away from vegetated areas that pose an unacceptable bushfire risk.

Recommended advisory note seven (7) encourages the facility operator to develop a bushfire risk management plan.

#### Local Heritage Place Overlay

<b>Desired Outcome</b>	
DO 1	Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 2.1, 2.2, 3.1, 3.2, 3.4, 6.1, 6.2	
DPFs: N/A	

The subject land contains a Local Heritage Place, more specifically the dwelling on the site which was formally the coach house for the nearby Duncraig property and associated with the noted pastoralist Walter Hughes Duncan. The building can be described as a single storey building with stone walls and rendered surrounds and corrugated iron roof. The building also contains additions which were added at a later date to the rear and the side of the original coach house. The proposal now seeks to demolish those later additions and changes to the external doors and windows. The works include internal modifications of the local heritage place with demolition of internal walls to present as one single building.

The proposed scope of demolition works will remove later additions and alterations and reveal a greater extent of the original form of the Local Heritage Place. The extent of demolition is similar to the original approved scope with minor modifications to existing doors and windows.

Whilst the building has always been used as a residence, the relevant policies in the overlay do encourage adaptive reuse and revitalisation of Local Heritage Places. The proposal through its intended use and considered design has demonstrated that it achieves this. Council's heritage advisor reviewed the proposal and is satisfied that the proposed changes will not detract from the cultural and heritage values of the Local Heritage Places, or its ability to demonstrate the heritage criteria for which it is listed. Approval is supported from a heritage perspective.

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

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

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POs: 1.1, 1.2, 2.1, 3.1, 3.3, 3.9, 4.1

DPFs: 1.2, 2.1, 3.9

The subject land is connected to mains sewer and as such all the wastewater infrastructure will be connected into existing SA Water sewer and will therefore ensure that the development maintains neutral or beneficial effects on the quality of water draining from the site.

A detailed stormwater management plan has been designed and reviewed by Council's Engineering. The plan proposes to have the roof runoff captured in a ground detention tank with restricted outflow. The complete system has been designed with controlled release to ensure that the post and predevelopment flows discharge to the street at an appropriate rate approved by Council Engineering.

In addition, the stormwater design for the carpark pavement incorporates an appropriate stormwater treatment system to treat the stormwater. By reducing the potential pollutants prior to discharge ensures stormwater management complies with appropriate EPA target values. The intent is to direct all car parking stormwater to rain garden areas to be treated prior to directing the stormwater to a 42kL detention tank for discharge at a restricted rate. The management report prepared by the project engineer also states that the proposal will improve the quality of stormwater exiting the site to the current predevelopment conditions which do not provide any treatment.

#### Native Vegetation Overlay

<b>Desired Outcome</b>	
DO 1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1, 1.2, 1.4	
DPFs: 1.1	

The Applicant has provided a native vegetation declaration stating that the proposal will not involve clearance of native vegetation under the Native Vegetation Act 1991.

#### Prescribed Water Resources Area Overlay

<b>Desired Outcome</b>	
DO 1	Sustainable water use in prescribed water resources areas maintains the health and natural flow paths of surface water, watercourses and wells.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
N/A	

This Overlay is not relevant to the proposal as it relates to water taking activities such as horticulture and intensive animal husbandry or the alteration to a water body.

#### Regulated and Significant Tree Overlay

<b>Desired Outcome</b>	
DO 1	Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1, 1.4	
DPFs: 1.1, 2.1	

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The application is supported by an arborist report that details the impact on trees within and adjacent to the subject land.

However, noting that the existing use of the subject land is residential, the trees located at 56 Pomona Road are exempt from constituting tree-damaging activity, as they are within 20 m of a dwelling located within the Hazards (Bushfire – Medium Risk) Overlay.

It is further noted that bushfire clearance rights do not apply to trees located on neighbouring properties. Accordingly, these trees are required to be protected and retained.

Although the proposal does not constitute tree-damaging activity, the applicant has submitted an arborist report prepared by Project Green, which includes a Tree Protection Plan to prevent damage to trees on neighbouring properties and within the street verge. Compliance with the recommended tree protection measures is ensured through Condition 7.

The tree protection plan provided related to Reserved Matter 1.2 from the previous decision and was reviewed by Council's Arborist who supports the proposed tree protection measures.

**Traffic Generating Development Overlay**

<b>Desired Outcome</b>	
DO 1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO 2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 2.1	
DPFs: 2.1	

PO 1.2 seeks that access points be sited and designed to accommodate the type and volume of traffic likely to be generated by the development. The proposed development will utilise a new 6.2m wide two-way crossover on Pomona Road which is a Council owned sealed road. The access point and crossover are designed for simultaneous two-way vehicle movements and allows entry to, and exit from, the site in a forward direction with clear and direct view, avoiding vehicle movement conflicts with pedestrian movements. The application was accompanied by a Cirqa Traffic Report which outlined anticipated traffic volumes from the proposed development are not expected to create an increase in volumes of traffic which would compromise the capacity of the local road network. Councils Engineering are also accepting the 6.2m crossover as stipulated on the plans.

The variation proposes a reduction in car parking provision from 30 to 26 spaces, consistent with the reduced capacity of the facility. When assessed against *Table 1 – General Off-Street Car Parking Requirements*, the proposal results in a shortfall of 0.5 spaces. Notwithstanding this, the Cirqa Traffic Report confirms that the minor shortfall will not result in adverse impacts, and that the proposed on-site car parking provision is sufficient to accommodate peak demand associated with the development within the subject land without overflow onto surrounding streets.

The proposal, having no reliance on-street car parking should relieve parking and traffic movement pressure (permitting turn-in and turn-out traffic interactions) and contains all of the anticipated traffic for arrival and departure to be contained upon the site.

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#### General Development Policies:

##### Advertisements

<b>Desired Outcome</b>	
DO 1	Advertisements and advertising hoardings are appropriate to context, efficient and effective in communicating with the public, limited in number to avoid clutter, and do not create hazard.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1, 1.3, 1.5, 2.3, 3.1	
DPFs: 1.1, 1.3, 2.3, 3.1	

PO 1.1 seeks that advertising is designed and integrated into the development to ensure that the character of the locality is not impacted. PO 3.1 seeks that the level of advertising be kept to a minimum to avoid visual clutter and untidiness. Two advertising signs are proposed as part of this application. This includes a non-illuminated freestanding blade sign with a display area of 1.1m<sup>2</sup>, located near the pedestrian entry and oriented toward the internal car park and pedestrian access, and a non-illuminated wall-mounted sign with a total display area of 2.3m<sup>2</sup>.

The freestanding signage is oriented towards the internal pedestrian entry and pathway rather than the streetscape and is not proposed to be illuminated. Although facing the street, the wall mounted signage will be flushed to the wall and under an entrance canopy setback by 22.5m from the street. Accordingly, both signs are considered to be sympathetic to sensitive receivers, as they are non-illuminated and oriented towards internal areas.

##### Clearance from Overhead Powerlines

<b>Desired Outcome</b>	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1	
DPFs: 1.1	

As part of their submission the applicant has declared that the development will not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. This is consistent with Performance Outcome 1.1.

##### Design

<b>Desired Outcome</b>	
DO 1	Development is: a) contextual – by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate areas. b) dural – 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.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.4, 1.5, 2.1, 2.3, 3.1, 3.2, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 15.1, 19.2, 19.3, 19.4, 19.5, 19.6, 31.1, 31.2	
DPFs: 1.4, 8.1, 9.2, 15.1, 19.2, 19.3, 19.4, 19.5, 19.6	

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Legible entry points for both vehicles and pedestrians are indicated on the plans consistent with PO 1.3. Whilst the proposal does involve removal of vegetation, none of this vegetation has been identified as being native or regulated. To compensate for the loss of vegetation, a detailed landscaping plan has been provided outlining the intended revegetation on the side. The landscaping plan is considered to address the visual impact of the carparking area from the streetscape.

A detailed landscaping plan was provided as part of the Compromise proposal accepted as part of the ERD Court Appeal, clearly identifying screening areas, particularly along the street frontage, and detailing the nature of the proposed plantings. The amended design is generally the same as the approved design, albeit updated to reflect the amended design with a reduced extent of hardstand for car parking and less modifications to the established land form. The proposed planting palette/species list remains as approved, with the species and extent of tree planting and screening shrubs remaining generally the same as that approved.

The landscaping plan also aligns with the stormwater management plan, identifying locations where rain gardens are proposed to treat car park stormwater runoff.

The extent of earthworks has been reduced compared to the previously approved design. All associated earthworks and retaining walls are proposed to be either screened by the built form or landscaped. Screening and buffering shrubs have been proposed to soften the views of the retaining walls from the outdoor play areas along with shade trees, as indicated on the landscape plan. Thereby avoiding visual impacts on neighbouring properties from the retaining walls.

Furthermore, regarding the car park, Performance Outcome 7.2 seeks for car parking spaces to be located and designed to minimise impacts on adjacent receivers. The car parking layout, landscaping and treatments are similar to the previously approved arrangement.

A designated, enclosed waste storage area is provided at the rear of the parking area, out of public view and away from neighbouring properties. Condition 4 is recommended to maintain this arrangement. Furthermore, waste collection will be carried out on the subject land by a private contractor outside of operating hours.

Following the ERD Court Order, a detailed Soil, Erosion and Drainage Management Plan (SEDMP) was included as a Reserved Matter. The required plan remains outstanding and has not been submitted as part of the variation application. Accordingly, it is recommended that **Reserved Matter 1** be included to reflect this requirement.

### Infrastructure and Renewable Energy Facilities

<b>Desired Outcome</b>	
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.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 11.1, 12.1	
DPFs: 11.1, 12.1	

The subject land is connected to reticulated mains water, and sewer services which is compliant with, and satisfies POs 11.1 and 12.1.

### Interface between Land Uses

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

**ITEM 8.1**

<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.2, 2.1, 4.1, 4.2, 6.1, 6.2	
DPFs: 2.1, 4.1	

Whilst the subject zone envisages non-residential uses, such as childcare facilities as previously approved, the compatibility of the development with surrounding land uses has been adequately addressed and demonstrated. The proposed variation does not seek to alter the substantial nature of the approved development.

**Hours of Operation and Noise**

The variation does not propose to change the previously approved hours of operation which is Monday to Friday 6.30am to 6.30pm.

Noise assessment prepared by Sonus predicts that based on the assumed levels of activity, and subject to the construction of the fencing and mechanical plant as per the drawings, the predicted average noise level (Leq) at any sensitive receiver in the locality will be no greater than 36 dB(A) during the night (10:00pm to 7:00am) and 43 dB(A) during the day (7:00am to 10:00pm). Which is indicated to be below the goal noise levels.

The noise assessment is predicted based on a range of previous noise measurements and observations at similar facilities. These include:

- General car park activity such as people talking as they vacate or approach their vehicles, the opening and closing of vehicle doors, vehicles starting, vehicles idling, and vehicles moving into and accelerating away from their parked position;
- Vehicle movements on site; and,
- Mechanical plant operation.

Based on the noise assessment report, the proposed variation is not anticipated to result in any additional adverse impacts on neighbouring residential land uses.

**Site Contamination**

<b>Desired Outcome</b>	
DO 1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1	
DPFs: 1.1	

There are no site contamination concerns. The subject land is used for residential purposes and whilst the proposal is for a change of land use to a childcare facility, the proposal does not constitute a change to a more sensitive use.

**Transport, Access and Parking**

<b>Desired Outcome</b>	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1, 1.4, 2.2, 3.1, 3.3, 3.4, 3.5, 3.6, 3.8, 4.1, 5.1, 6.2, 6.4, 6.5	
DPFs: 3.1, 3.5, 5.1	

**ITEM 8.1**

The plan shows that a total of 26 on-site car parking spaces are going to be provided. PO 5.1 seeks that appropriate amount of off-street parking is provided at a rate specified in *Table 1 – General Off-Street Car Parking Requirements* which seeks a parking ratio of 0.25 car parking spaces per child (1 car park per 4 children). Based on the capacity of 106 children the required parking numbers are 26.5 spaces which the proposal falls short of 0.5 spaces. Considering the traffic assessment by Cirqa and support from Council's engineer, it is satisfied that the 0.5 space shortfall will not be detrimental for the effective functioning of the proposed development.

As discussed previously, the car park has been effectively designed and will be appropriately landscaped to ensure that visual impacts are minimised. Appropriate noise attenuation measures have been recommended and will be implemented along the boundary to ensure that noise impacts to adjoining sensitive receivers are minimised.

Considering the above assessment, the report prepared by Cirqa and support from Council's Engineering Department, the proposed access, car parking numbers and car parking design in accordance with the appropriate Australian Standard is considered to be sufficient for the intended use.

**CONSIDERATION OF SERIOUSLY AT VARIANCE**

Having considered the proposal against the relevant provisions of the Planning and Design Code Version 2025.19 9/10/2025, the proposal is not considered to be seriously at variance with the provisions of the Planning and Design Code for the following reasons:

- The variation reduces the capacity of the childcare by 12 spaces.
- Proposes to reduce the building scale from two levels to single level.
- The proposal continues to meet the noise goals as per the Planning, Development and Infrastructure Act 2016.
- Confirmation from the traffic engineers that the subject land is capable of accommodating peak parking demand wholly on site.
- Complementing landscaping design to effectively screen the car parking and the bulk of the building from the streetscape and neighbouring sensitive receivers.
- The variation is supported by Council's Heritage Advisor, Engineer and Arborist.

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

**CONCLUSION**

The proposed variation does not seek to alter the fundamental nature of the approved development. The reduction in capacity and overall scale is considered acceptable and is not expected to result in any additional adverse impacts on the adjoining residential land uses beyond those already approved.

Issues raised during public notification have been addressed by the applicant through the provision of appropriate traffic and noise impact assessments. Additionally, the approved hours of operation remain unchanged.

When assessed against the relevant zone provisions, overlays and general development policies applicable to developments of a similar nature, the proposal is considered to satisfactorily address the relevant criteria. Accordingly, the variation is considered acceptable and warrants the granting of planning consent.

ITEM 8.1

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 25028606 by Development Holdings Pty Ltd for Variation to DA 23020199 including reduction in capacity, reduction in building height from two levels to single level, reconfigurations of the areas and the floor layout, changes to the external materials, change to the site levels including retaining walls and fencing and addition of shade sail, freestanding advertising sign and tree-damaging activity at 52 Pomona Rd Stirling SA 5152 is granted Planning Consent subject to the following conditions.

RESERVED MATTERS

- 1) Pursuant to section 102 (3) 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 Assessment Manager is delegated to undertake this further assessment:

The applicant is to provide a detailed Soil, Erosion and Drainage Management Plan (SEDMP) containing a site plan, sketches and details of the proposed erosion control methods and sediment collection devices to prevent soil and silt moving off site during construction and to prevent soil transfer onto roadways by vehicles and machinery during construction.

Pursuant to Section 127(1) of the *Planning, Development and Infrastructure Act 2016*, the power to impose further conditions of consent in respect of the reserved matter above is delegated to the Assessment Manager.

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 maximum capacity of the childcare facility shall be 106 children at any one time.
- 3) The hours of operation of the childcare facility, including deliveries (but excluding waste collection) shall be 6:30am to 6:30pm, Monday to Friday.
- 4) All solid waste shall be stored in closed containers with close fitting lids in the enclosed bin area shown on the approved site plan (drawing DA.03, Rev. A last dated 11/09/2025) prepared by Gardiner Architects. External contractors accessing the site for waste collection shall be provided with access to the enclosed bin area to ensure waste is not stored in the car park area for collection.
- 5) The collection of waste shall not occur before 9:00am or after 7:00pm on Saturday, or before 7:00am or after 7:00pm Monday to Friday. Waste shall not be collected on Sundays or public holidays
- 6) All mechanical plant and equipment associated with the childcare facility shall be located outdoors adjacent to the laundry, in accordance with the acoustic report prepared by Sonus, dated (September 2025).

**ITEM 8.1**

- 7) External lighting shall be shielded if necessary, in such a manner so as to not cause unreasonable nuisance to adjoining and adjacent residential properties.
- 8) External lighting shall not be switched on before 6:30am Monday to Friday; and all external lighting shall be switched off no later than 6:30pm Monday to Friday, with the exception of low level bollard style lighting for pedestrian paths.
- 9) The cross-over, kerb and footpath alterations, shall be constructed in accordance with Council Standard Detail Drawing SD15 and in accordance with the approved site plan (drawing DA.03 Rev. A last dated 11/09/2025) prepared by Gardiner Architects and the approved stormwater management plan (drawing 230049-C-SK02, Rev. H dated 11/09/2025) prepared by CPR Engineers prior to the occupation of the childcare facility.
- 10) All car parking spaces, driveways and manoeuvring areas shall be designed, constructed and line-marked in accordance with Australian Standard AS2890.1:2004. Line marking and directional arrows shall be clearly visible and maintained in good condition at all times. Driveways, vehicle manoeuvring and parking areas shall be constructed of concrete or bitumen prior to operation of the facility and maintained in good condition at all times to the reasonable satisfaction of the Adelaide Hills Council.
- 11) Any existing cross-over not providing vehicle access shall be considered redundant and shall be closed off prior to occupation of the childcare facility.
- 12) The proposed noise attenuation measures in the Stirling Childcare Centre Environmental Noise Assessment S7765C12 September 2025 prepared by Sonus Pty Ltd, for the outdoor play areas, car park area and mechanical plant of the childcare facility shall be implemented prior to operation of the facility and to the reasonable satisfaction of the Assessment Manager.
- 13) Materials and goods shall not be stored on the land in areas delineated for use as vehicle parking.
- 14) The external finishes to the childcare facility shall be as follows:
  - a. Walls: Cement sheet cladding in 'Pale Eucalypt', masonry blockwork in 'Limestone Grey', Rendered walls in 'Pale Eucalypt'
  - b. Roof: Lysaght trimdeck in 'Pale Eucalypt';
  - c. Fencing: Colorbond fence in 'Woodland Grey', Timber picket fence in 'White'.
- 15) All stormwater run-off from the roof of the building and from the outdoor play areas and car park shall be managed in accordance with the approved stormwater management plan (drawing 23049-C-SK02, Rev.H dated 11/09/2025) prepared by CPR Engineers. All roof run-off generated by the development shall be directed to the stormwater management system within one (1) month of the roof cladding being installed. All surface water from carparking or hardstand areas shall be directed to a gross pollutant trap (GPT) capable of removing oils, silts, greases, and gross pollutants to the Adelaide Hills Council and EPA satisfaction prior to discharge to Council's stormwater system or street water table.
- 16) Landscaping detailed in the landscaping plans prepared by LAUD Ink shall be planted within the next available planting season following construction of the childcare facility. Such landscaping shall be maintained in good health and condition at all times, including through the installation of irrigation and mulching. Any such landscaping shall be replaced in the next planting season if and/or when it dies or becomes seriously diseased.
- 17) The works in relation to the tree(s), outlined in the Arborist's Report prepared by Project Green Pty Ltd and submitted as part of this application as a strategy for management of the tree(s) are to be undertaken simultaneously with any building works on the site.

**ITEM 8.1**

**18) The tree protection measures specified by Council's Arborist, Adelaide Arb Consultants, as detailed in Drawing No. TPP-Const.-1 dated 11/11/2025 (included in the stamped plans set), must be implemented simultaneously with any building works on the site to ensure the protection of the street trees.**

**ADVISORY NOTES**

**General Notes**

**1) You as an Applicant may have a right of appeal if this notification is:**

- a refusal
- conditions of consent

Such an appeal must be lodged within two months of the date of this decision or such longer time as the Environment, Resources and Development Court allows. For assistance with the lodgement of an appeal and its associated costs it is suggested you contact the Court which is located in the Sir Samuel Way Building, Victoria Square, Adelaide, or phone the Court on (08) 8204 2444.

**2) 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.**

**3) 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).**

**4) 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.**

**5) This consent is strictly limited to works on the subject land. This consent does not permit any alteration to road verge. Works including tree pruning/removal, earthworks, kerbing, storage of material or any alteration to the verge or a reserve requires a separate approval under Section 221 of the Local Government Act 1999. For more information regarding this process please visit: <https://www.ahc.sa.gov.au/development/roads-andconstruction/authorisation-to-alter-a-public-road>.**

**6) The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. For further information please refer to the Native Vegetation Council website.**

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council on 8303 9777.

**7) It is recommended that the operator of the childcare facility prepare and display a Bushfire Survival Plan (BSP) designed specifically for the purpose of staff, children or visitors that may be present during a bushfire event, especially during the Fire Danger Season.**

The SA CFS 'Bushfire Safety Guide for Business' document should be utilised as a basis for information and the drafting of the BSP, along with industry body guidelines and recommendations.

**CAP MEETING – 11 February 2026**

**ITEM 8.1**

**OFFICER MAKING RECOMMENDATION**

**Name:** Chandhini Kumar

**Title:** Statutory Planner

## ITEM 8.2

<b>DEVELOPMENT NO.:</b>	25029312
<b>APPLICANT:</b>	Ashton Cooperative Society Ltd
<b>ADDRESS:</b>	201 WOODS HILL RD ASHTON SA 5137
<b>NATURE OF DEVELOPMENT:</b>	Filling of land (retrospective)
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Hills Face</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Environment and Food Production Area</li> <li>• Hazards (Bushfire - High Risk)</li> <li>• Heritage Adjacency</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Mount Lofty Ranges Water Supply Catchment (Area 1)</li> <li>• Native Vegetation</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Water Resources</li> </ul>
<b>LODGEMENT DATE:</b>	2 Oct 2025
<b>RELEVANT AUTHORITY:</b>	Adelaide Hills Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2025.18 25/09/2025
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Alex Bohorquez
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Nil

**CONTENTS:**

<b>ATTACHMENT 1:</b>	<b>Application Documents</b>	<b>ATTACHMENT 4:</b>	<b>Representations</b>
<b>ATTACHMENT 2:</b>	<b>Subject Land Map/Representation Map</b>	<b>ATTACHMENT 5:</b>	<b>Response to Representations</b>
<b>ATTACHMENT 3:</b>	<b>Zoning Map</b>	<b>ATTACHMENT 6:</b>	<b>Relevant P &amp; D Code Policies</b>

**DETAILED DESCRIPTION OF PROPOSAL:**

The application is seeking retrospective approval for the filling of land at the Ashton Cooperative Society (hereafter referred to as Co-op).

The subject filling of the land has occurred in the northwestern area of 201 Woods Hill Road Ashton. This property is the site of the current Ashton Cooperative Society facilities, covering an area of approximately 700m<sup>2</sup>. The proposed fill is an extension of a previously filled area on adjacent land (inside the boundaries of 193 Woods Hill Road) that was authorised in 2015 and also owned by the Co-op.

**ITEM 8.2**

Filling of the land occurred for the purposes of establishing a hardstand area with the rationale of improving on-site vehicle manoeuvring and safety for Co-op access and egress.

An earthen bund with a minimum height of 0.3 metres is provided along the northern, northwestern and western boundary of the filled area to stabilise the batter, manage stormwater and direct outflows to two predetermined discharge points.

The proposal plans include indicative protection measures to minimise scour and erosion to the batter.

**BACKGROUND:**

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
23 August 2012	12/639/473	Filling of land (non-complying)
23 July 2020	15/656/473	Building fire safety upgrades including new water storage tank Stage 1–interim emergency lighting and extended paths of egress including doors from deep cool rooms, exit lights, hose reels, extinguishers; Stage 2 Emergency lighting, Stage 3 Hydrant coverage including hydrant water storage tank(s) & booster, hydrant/sprinkler system, smoke hazard management-detection system, and perimeter access

**SUBJECT LAND & LOCALITY**

**Location reference:** 201 WOODS HILL RD ASHTON SA 5137

**Title ref.:** CT 6201/698   **Plan Parcel:** D80719 AL103   **Council:** ADELAIDE HILLS COUNCIL

**Site Description**

The subject land is a commercial enterprise associated with primary production activities, on an semi-rural allotment of approximately 4 hectares located at 201 Woods Hill Road, Ashton. The subject land and adjoining land at 193 Woods Hill Road are occupied by the Ashton Cooperative Society.

The land comprises a single allotment that is formally described as Allotment 103 in Deposited Plan 80719, Certificate of Title Volume 6201 Folio 698. There are no easements for service infrastructure or other registered interests on the land title.

The land is irregular in shape with a frontage of approximately 150 metres to Woods Hill Road. The existing buildings on the Ashton Cooperative Society site are located close to the road frontage and comprise of several buildings linked together, with predominantly sheet metal roofing, concrete masonry facades and steel frame windows. There is a large sheet metal canopy at the front of the principal building, with a sliding steel door and a sealed concrete pavement surface presenting to the public realm. Land to the rear of the site is undeveloped and appears to be modest, small-scale pasture.

Access principally occurs to the east in the vicinity of the abovementioned sheet metal canopy and sealed pavement, with an internal driveway then circumscribing the buildings on the site comprised mostly of gravel. This driveway concludes in a wide, secondary access/egress point closer to the western boundary of the subject land.

**ITEM 8.2**

Land to the rear of the facility exhibits a gentle slope of 3.91 degrees in a north-westerly direction, albeit corrugation becomes more pronounced to the north, west and east (approx. 8-15 degrees). It is further noted that large depressions are identified on the eastern side. The primary street facing, south-western section of the site has been raised by several metres and retained to provide a level pad for the existing buildings.

There is a watercourse just inside the south-eastern boundary of the site.

**Locality**

The locality has a semi-rural character with substantial scenic value.

The Co-op and the adjacent Nutrien agriculture business are the two major business activities in a setting dominated by substantial horticultural activities such as orchards and vineyards, dwellings on rural living allotments, and tracts of native vegetation. The topography of the land features substantial corrugations described as rolling hills interspersed with narrow tracts of flatter land.

The land adjacent to the proposed earthworks also forms part of the Co-op site while the land further to the west behind the Nutrien business appears to be used as a storage area. The former Council landfill site is to the west and is now in private ownership.

To the north of the subject land is dense native vegetation.

Woods Hill Road is a narrow, winding roadway that provides a valuable link between Greenhill Road and Marble Hill Road. The former links Summertown and Uraidla, the latter connects Norton Summit with Marble Hill. Thus the thoroughfare in question is not in itself a major roadway although it is a valuable link in the broader transport network for the Adelaide Hills.

**CONSENT TYPE REQUIRED:**

Planning Consent

**CATEGORY OF DEVELOPMENT:**

**• PER ELEMENT:**

Filling of land: Code Assessed - Performance Assessed

**OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

**• REASON**

P&D Code

**PUBLIC NOTIFICATION**

Yes

**• REASON**

Earthworks (filling of land) are not excluded under Table 5 - Procedural Matters (PM) - Notification of the Hills Face Zone.

Public Notification period – 21 November to 11 December 2025

**• LIST OF REPRESENTATIONS**

**ITEM 8.2**

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

Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
Angela Noack	PO Box 1417 ASHTON SA 5137	Yes	Self

• **SUMMARY**

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

- Illegal dumping of fill has been taking place for many years
- Revegetation of the site has not taken place as per a previous approval
- Impact on visual amenity
- Increased noise and dust
- The site should be revegetated

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

**AGENCY REFERRALS**

No agency referrals were required

**INTERNAL REFERRALS**

Internal referral undertaken to Council Engineering, with respect to earthworks and stormwater management. There is no objection to the stormwater drainage and batter protection. One condition is recommended.

**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.*

## ITEM 8.2

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

**Zone:****Hills Face Zone:**

<b>Desired Outcomes</b>	
DO1	<p>To maintain the western slopes of the South Mount Lofty Ranges as an important natural asset of Greater Adelaide by limiting development to low-intensity agricultural activities and public and private open space. The natural character of the zone will be preserved, enhanced and re-established to:</p> <ul style="list-style-type: none"> <li>a. provide a natural backdrop to the Adelaide Plain and a contrast to the urban area</li> <li>b. preserve biodiversity and restore locally indigenous vegetation and fauna habitats close to metropolitan Adelaide</li> <li>c. provide for passive recreation in an area of natural character close to the metropolitan area</li> <li>d. provide a part of the buffer area between metropolitan districts and prevent the urban area extending into the western slopes of the Mount Lofty Ranges.</li> </ul> <p>‘Natural character’ refers to the natural topography, native vegetation and colours, such as greens and browns of non-reflective earthen tones, normally associated with a natural landscape. Additionally, natural character refers to the open character of the land in those areas of the zone where open grazing currently predominates.</p>
DO2	Development ensures that the community is not required to bear the cost of providing services to and within the Zone.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1, 1.3, 3.1, 3.2, 8.1, 8.2, 10.1, 10.2, 10.4, 10.5, 10.7, 11.1, 11.2 and 11.3	
DPFs: 1.1, 3.1 and 8.2	

The subject land and adjoining land at 193 Woods Hill Road are occupied by Ashton Cooperative Society. For many years the Co-op has provided local producers with storage and other agricultural facilities.

The Co-op land and surrounding land on the northern side of Woods Hill Road and Ridge Road is situated within the Hills Face Zone of the Code. Land to the south is within the Productive Rural Landscape Zone. DO 1 and PO 1.1 of the Hills Face Zone seek to limit development to agriculture and open space, and “low-intensity, low-scale activities that complement the natural, rural and scenic qualities of the hills face landscape”.

The proposal is seeking retrospective approval for the filling of land at the rear of the Co-op buildings to improve the practicality and safety of vehicle manoeuvring in association with the Co-op buildings that exist on site. Presently, the hard-stand formed by the compacting of fill results in demonstrably safer and more convenient vehicular movements. As the proposed earthworks are ancillary and subordinate to the existing Co-op facility and will in no way represent an enhancement or expansion of such use, the proposal is not considered to change the longstanding existing use of the Co-op.

Therefore, from a land use perspective, the small-scale and ancillary nature of the proposed earthworks will not undermine the Desired Outcome for the zone as an area for low-intensive agricultural activities, or the preservation of public and private open space. The proposal does not generate any practical increase or impost on public services or utilities. The proposal is consistent with DO 1 and 2; PO 1.1 and 1.3 of the zone.

**ITEM 8.2**

The zone policies also require the natural character of the zone to be preserved, enhanced and re-established, with a particular emphasis on sensitive design and siting of new buildings and associated activities, such as excavation and filling. As the proposal does not include any new buildings, PO 3.1 and 3.2 need only be considered.

PO 3.1 is designed to ensure that the filling of land is “*kept to a minimum so as to preserve the natural form of the land and native vegetation*”. While excavation and fill should primarily be undertaken to minimise the visual impact of buildings and to accommodate on-site water storage facilities, in this instance the proposed fill is reasonable in the context of the site. It will improve on-site vehicle safety for Co-op users and more importantly is exclusively limited to the curtilage of the existing buildings with minimal exposure to areas with a demonstrated ‘natural character.’ The filled area will not be readily visible from Woods Hill Road or Ridge Road, with substantial existing vegetation providing extensive screening of the northern and western face of the batter to minimise – if not wholly nullify – the visual impact to properties to the north-west and west.

In terms of the amount of fill, the supporting DPF recommends that fill not be higher than one metre above the natural ground level. As a pre and post construction survey has not been undertaken, it is difficult to ascertain the height and overall amount of fill that is proposed. FMG Engineers have provided a conservative estimate of 80m<sup>3</sup> of fill, and from visual observations the fill appears to be approximately 3 metres at its highest point above the existing ground level. While the amount of fill is therefore significant, it is nevertheless well concealed by the existing buildings on the site and adjacent trees and shrubs. Furthermore the corrugations of the land mean that any effective treatment of the land to enhance vehicle manoeuvring and safety necessitate earthworks to this extent; they are not superfluous or excessive when considering the context of the Co-op’s needs. On balance, PO 3.1 is reasonable satisfied.

A landscape plan has been supplied as a further erosion control measure on top of the stormwater bunt already on the land. It is noted that while the bunt is predominantly for stormwater, this is a valuable mitigator of erosion as soil runoff in association with stormwater is one of the key drivers of erosion. This demonstrates that the proposal is consistent with PO 3.2, 8.1 and 11.2, which support excavation and/or filling only if it can be stabilised to prevent erosion and screened by locally indigenous plant species to preserve and enhance the ‘natural character’ of the area. Indeed, the landscaping plan supplied explicitly cites native shrubs as the only constituent of the proposed landscaping with an approximate size of 300-600 mm, from the very top of the slope. In this instance slope is accepted to refer to the area from the bund at the top of the hardstand.

The proposed fill will not conflict with any underground or surface water resources and nor require the removal of native vegetation. Stormwater runoff will be contained by an earthen bund along the northern edge of the filled area with runoff directed to two discharge points; these are protected by scours to further protect sedimentary runoff in association with typical stormwater discharge PO 10.1 and 10.2 are satisfied.

The owner of 177 Ridge Road, Ashton has submitted a representation objecting to the proposal for several reasons, including the impact on their visual amenity. This property adjoins the north-western boundary of the subject land and is used as some form of light industry with the owner living on the adjacent parcel at 181 Ridge Road. The former landfill activities at 177 Ridge Road have resulted in significant scarring of the land. As per PO 10.4, the external impact of the proposed earthworks on 177 Ridge Road and surrounding land would not be significant enough to adversely impact on their amenity given that:

- The area of fill is relatively small and proportionate to the existing buildings and activities on the Coop site.
- The fill is largely concealed by the Co-op buildings and is setback over 10 metres from the north-western boundary.
- There is a line of existing mature trees and shrubs that provide some screening.
- Additional landscaping will be undertaken as per the landscaping plan to visually soften and stabilise the earthworks.

**Overlays****Hazards (Bushfire- High Risk) Overlay**

<b>Desired Outcomes</b>	
DO1	Development, including land division is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks: <ul style="list-style-type: none"> <li>a. potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change</li> <li>b. high levels and exposure to ember attack</li> <li>c. impact from burning debris</li> <li>d. radiant heat</li> <li>e. likelihood and direct exposure to flames from a fire front.</li> </ul>
DO2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk.
DO3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1, 2.1, 3.1, 4.1, 4.2, 4.3, 6.1 and 6.2	
DPFs: 4.1, 6.1 and 6.2	

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

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

As the proposal will not introduce any new activities on the site and the subject land will continue to be accessible to fire-fighting vehicles, the proposal is consistent with the relevant policies of the Hazards (Bushfire – High Risk) Overlay.

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

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

The proposal includes an earthen bund with a minimum height of 0.3 metres to contain stormwater runoff and direct flows to two discharge points. This will provide mitigation to any potential flooding impacts.

**Heritage Adjacency Overlay**

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

The nearest heritage place is more than 200 metres south of the Co-op on Tregarthen Road. The setting of this Local Heritage Place would not be impacted by the proposed development given the significant separation distance and the low-impact nature of the development.

**Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay**

<b>Desired Outcomes</b>	
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.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
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 1) Overlay is seeking the protection of public water supply in the Watershed area.

The proposed earthworks are ancillary to the existing Co-op facility and include appropriate measures to manage stormwater runoff, thus will not result in any negative impacts on the water quality within the catchment area. The proposal is consistent with DO 1 and the relevant POs of the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay.

**Native Vegetation Overlay**

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

This proposal does not include the removal of any native vegetation. While some grasses and small shrubs may need to be removed, such vegetation removal would be of a minor nature.

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

**Regulated and Significant Tree**

<b>Desired Outcomes</b>	
DO1	Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1, 1.2, 1.3, 1.4 and 2.1	
DPFs:	

The proposal does not include the removal of any Regulated or Significant trees.

Therefore, the proposal does not involve a tree damaging activity.

**Water Resources Overlay**

<b>Desired Outcomes</b>	
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.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1, 1.2, 1.5 and 1.7	
DPFs: 1.5	

There is a watercourse just inside the south-eastern boundary of the site. The proposed fill will not impact on the watercourse as it is located 150 metres away. Erosion controls are in place through the stormwater bund and proposed landscaping.

The proposal is consistent with the Water Resources Overlay.

**General Development Policies****Design**

<b>Desired Outcomes</b>	
DO1	Development is: <ul style="list-style-type: none"><li>a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area</li><li>b) durable - fit for purpose, adaptable and long lasting inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors</li><li>c) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.</li></ul>
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 8.1, 8.2, 8.3, 8.4 and 8.5	
DPFs: 8.1 and 8.2	

The proposed fill is an extension of a previously filled area on adjacent land (inside the boundaries of 193 Woods Hill Road) that was approved in 2015. Said parcel – 193 Woods Hill Road – features a circular access that surrounds the Nutrien Ag Solutions business, which as discussed is the other major commercial activity along this section of Woods Hill Road. The parcel is somewhat atypical in that it also contains a substantial warehouse on its northern section which is associated with the Coop; this warehouse is sited on land that appears to have been raised by substantial fill and is surrounded by a level, gravel-surfaced pad that is congruent with the raised area to the north-northwest which is the subject of the development application considered herein. Indeed, this initial filling and raising of the land was authorised on 24<sup>th</sup> of November 2015 and was sought by the Ashton Cooperative Society.

**ITEM 8.2**

The location and amount of fill is reasonable as it will improve on-site vehicle safety, it will be compacted to provide a stable hardstand area and will be screened by existing buildings and existing/proposed vegetation to minimise erosion and scarring.

PO 8.1 to 8.5 are reasonably satisfied.

**Transport, Access and Parking**

<b>Desired Outcomes</b>	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 3.1, 3.3, 3.8, 3.9 and 6.6	
DPFs: 3.1 and 6.6	

The proposal will improve on-site vehicle safety for the Co-op by providing a hardstand area at the rear for vehicles to safety pass, manoeuvre and access the existing buildings. There will be no change to the existing access points along the road frontage or to on-site car parking.

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

**CONSIDERATION OF SERIOUSLY AT VARIANCE**

Having considered the proposal against the relevant provisions of the Planning and Design Code Version 2025.18 25/09/2025, the proposal is not considered to be seriously at variance with the provisions of the Planning and Design Code for the following reasons:

- The proposal will not undermine the Desired Outcome for the Hills Face Zone as an area for agriculture and open space as the proposed earthworks are ancillary and subordinate to the existing Co-op facility and will not intensify the existing activities on the site.
- The proposal also will not result in any additional cost to the community by way demand for services as sought by DO 2.
- The proposed earthworks will be concealed by existing buildings and existing and proposed landscaping to preserve and enhance the natural character of the area.

**CONCLUSION**

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

The proposed filling of land to form a compacted hardstand area has been carried out to improve on-site vehicle safety for the Ashton Cooperative Society. The ancillary form of development will not intensify the use of the existing Co-op, which has longstanding use rights and has co-existed with surrounding horticulture and natural open space for around 100 years; and in fact been a pivotal community mechanism that has allowed primary producers to have access to key facilities.

While the proposed fill has altered the natural contours of land, the visual impacts would not be significant as the fill is not readily visible from adjacent roads, is well setback from property boundaries and is largely concealed by the existing buildings on the site and adjacent trees and shrubs. The landscaping plan supplied with this application further demonstrates the commitment from the owner to ensure no unreasonable soil runoff occurs, with enhanced amenity and stability once this is installed. The landscaping once established will eliminate what negligible visual impact there may have been from the earthworks to begin with.

**ITEM 8.2**

As the proposed fill is compacted, battered and includes drainage, it will not pose a risk of landslip.

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

**RECOMMENDATION**

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

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**
- 2) Development Application Number 21019844 by Ashton Cooperative Society Ltd for Filling of land (retrospective) at 201 Woods Hill Road, Ashton is granted Planning Consent subject to the following conditions:**

**CONDITIONS**

**Planning Consent**

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.**
- 2) Landscaping shall be undertaken in the next planting season following development approval, per the supplied plans labelled “erosion mitigation planting.” Such landscaping shall be maintained in good health and to the satisfaction of Council at all times.**
- 3) All stormwater including hard surface runoff shall be managed on site with no stormwater to trespass onto adjoining properties. Stormwater shall be managed per the report supplied by FMG Engineering dated 30 October 2025.**

**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.**

**ITEM 8.2**

4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

**OFFICER MAKING RECOMMENDATION**

**Name:** Alex Bohorquez  
**Title:** Statutory Planner

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

**CONTENTS:**

<b>ATTACHMENT 1:</b>	<b>Further information</b>	<b>ATTACHMENT 4:</b>	<b>Previous CAP Minutes</b>
<b>ATTACHMENT 2:</b>	<b>Subject Land Map/Representation Map</b>	<b>ATTACHMENT 5:</b>	<b>Previous CAP Report and Attachments</b>
<b>ATTACHMENT 3:</b> <b>Zoning Map</b>			

**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 81.36m<sup>2</sup>. Unit 2 includes one bedroom, kitchen, meals and living area with an associated alfresco and deck for a total floor area of 66.83m<sup>2</sup>. 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 14<sup>th</sup> 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 200m<sup>2</sup> 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:**

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

<b>Desired Outcomes</b>	
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"> <li>a) potential for uncontrolled bushfire events taking into account the increased frequency and intensity of</li> <li>b) bushfires as a result of climate change</li> <li>c) high levels and exposure to ember attack</li> <li>d) impact from burning debris</li> <li>e) radiant heat</li> <li>f) likelihood and direct exposure to flames from a fire front.</li> </ul>

DO3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
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**

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

<b>Desired Outcomes</b>	
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.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
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 300m<sup>2</sup> 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**

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

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

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

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"><li>a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area</li><li>b) durable - fit for purpose, adaptable and long lasting inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors</li><li>c) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.</li></ul>
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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**

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

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

<b>Desired Outcomes</b>	
DO1	Tourism development is built in locations that cater to the needs of visitors and positively contributes to South Australia's visitor economy.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
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**

<b>Desired Outcomes</b>	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.4, 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 14<sup>th</sup> 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 300m<sup>2</sup> 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](http://www.epa.sa.gov.au)

**OFFICER MAKING RECOMMENDATION**

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Title: Senior Statutory Planner