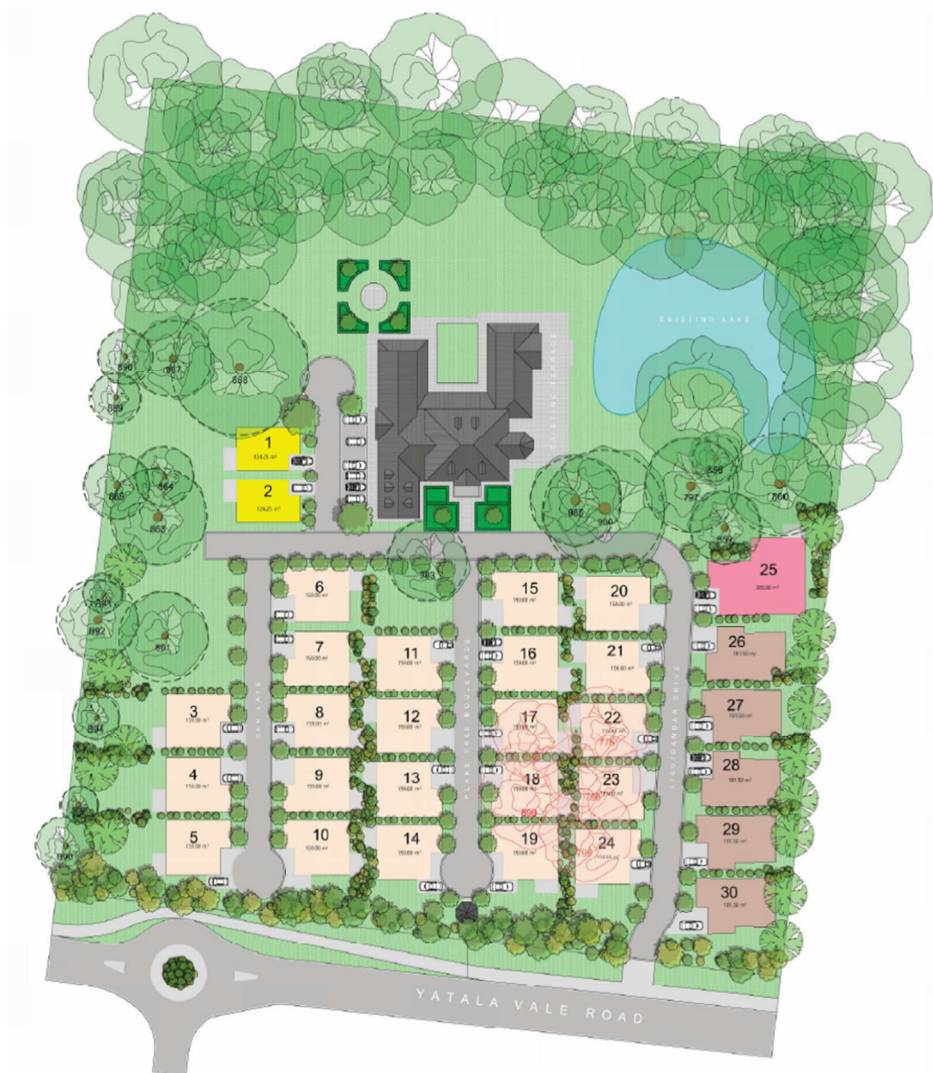


Gary and Lorelie Williams

Retention of an existing dwelling, removal of five (5) diseased significant trees, and outline consent for 30 dwellings to be used for the purpose of a Residential Park

488-504 Yatala Vale Road, Yatala Vale

Development Application ID SA-604



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DEVELOPMENT NO.:	SA-604
APPLICANT:	Gary and Lorelie Williams
ADDRESS:	488-504 Yatala Vale Road, Yatala Vale
NATURE OF DEVELOPMENT:	Retention of an existing dwelling, removal of five (5) diseased significant trees, and outline consent for 30 dwellings to be used for the purpose of a Residential Park
ZONING INFORMATION:	Zones: • Rural Living Overlays: • Defence Aviation Area - All structures over 15 metres • Hazards (Flooding) • Hazards (Flooding - Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • Water Resources Technical Numeric Variations (TNVs): • Minimum Site Area (Minimum site area is 4 ha)
LODGEMENT DATE:	15 January 2026
RELEVANT AUTHORITY:	State Planning Commission
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2026.1 15/01/2026
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes – 129 representations (14 persons wishing to be heard)
RECOMMENDING OFFICER:	Ben Scholes, Senior Planning Officer
REFERRALS STATUTORY:	City of Tea Tree Gully
REFERRALS NON-STATUTORY:	N/A

EXECUTIVE SUMMARY:

The applicant seeks an Outline Consent to facilitate future development of a Residential Park on the southern portion of the subject land comprising 30 single-level dwellings, tree-damaging activity (comprising the removal of five (5) significant trees) and associated internal roads and on-site car parking.

The application is not classified as an accepted, deemed-to-satisfy or restricted form of development within Tables 1-2 or 4 of the Planning and Design Code (the Code)'s Rural Living Zone, such that it defaults to a Code Assessed – Performance Assessed form of development.

A statutory referral was distributed to the City of Tea Tree Gully pursuant to Regulation 23 of the *Planning, Development and Infrastructure (General) Regulations 2017*. Public Notification was undertaken in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016* (the PDI Act).

Representors have raised various concerns including (but not limited to) potential for diminished residential amenity; excessive dwelling density; removal of habitat for flora and fauna; traffic generation and on-street car parking; interface impacts with the adjacent Resource Extraction Zone and a form of development considered to be seriously at variance with the Code. Other representors have registered support for the development, related to the opportunity for increased accommodation outcomes for South Australia's aging population.

When assessed against Code policy expectations related to dwelling density and built form setbacks from property boundaries, the development is deficient as it would fail to support or reinforce the semi-rural or semi-natural character which is generally anticipated within a location designated as a Rural Living Zone.

Having carefully considered the Code's policy recommendations and views presented by representors, the proposal is not considered to respond appropriately to the relevant objectives and policy outcomes of the Code, and the development would be likely to result in a site configuration and level of density seen to be inappropriate and contrary to the intent of the Rural Living Zone.

On this basis the application for Outline Consent is not supportable and refusal is recommended.

BACKGROUND:

The subject land has historically operated as a function venue and incorporates a substantial two-level dwelling known as 'Yatahlia Manor' with associated outbuildings situated on landscaped grounds including established trees and a lake.

The owners of the property are understood to have ceased the operation of the land as a function venue and subsequently offered the property for sale.

On 23 July 2025 the Minister for Planning assigned a proposal for Outline Consent for the establishment of a Residential Park comprising removal of five (5) significant trees and construction of 36 dwellings with associated internal roadways to the State Planning Commission (the Commission) in accordance with section 94 (2) of the PDI Act.

The applicant subsequently amended the proposal to incorporate 30 accommodation units with associated internal roadways, and the same number of trees to be removed.

Under the circumstances specified by the Commission's Practice Direction 18 – Outline Consent, the Commission must be the relevant authority for outline consent applications, and the relevant Council must agree to the assessment pathway and the proposal must be a Code Assessed - Performance Assessed type of development in the Code. This is understood to have occurred.

DETAILED DESCRIPTION OF PROPOSAL:

The proposed Residential Park would accommodate up to 30 dwellings intended to accommodate individuals aged 55 (and over) seeking to downsize and/or reside in a high-quality landscaped environment with accessible amenities. The following dwelling types are proposed on the Indicative Site Plan included as

Attachment 1B:

- one (1) bedroom villa with single garage comprising 124.25m² in area (two (2) dwellings in total);
- two (2) bedroom villa with double garage comprising 159m² in area (22 dwellings in total);
- three (3) bedroom NDIS-certified home with double garage comprising 181.5m² in area (five (5) dwellings in total); and
- a four (4) bedroom villa with double garage comprising 303m² (one (1) dwelling in total).

These structures would constitute '*permanently fixed dwellings*' as defined by the *Residential Parks Act 2007*, namely by being examples of a structure that:

- a) has the character of a dwelling; and
- b) is designed to be permanently fixed to land; and

- c) could not, under any reasonable arrangement, be removed in a state that would allow the structure to be reused as a dwelling at another place.

The building envelopes proposed in **Attachment 1B** represent the maximum floor area (including parking space/s) for each dwelling type, in the form of either single or double garages, with additional parking space available in driveway areas. No fencing would be included in the current built form proposal.

The proposed Residential Park would reportedly be a managed community where the landowner / manager would maintain all common areas (including the Yatahlia Manor as a community hub) for onsite residents and visitors, in accordance with provisions of the *Residential Parks Act 2007*.

The Residential Park would enable members of the community to temporarily rent a dwelling from the landowner, which would include the need for financial contributions for site maintenance and utility charges. Residents would be responsible for maintaining their respective accommodation units.

The existing dwelling (Yatahlia Manor) is proposed to be used for various communal activities for future occupants of the proposed Residential Park including billiards, sewing, home theatre, wellness activities, social gatherings, group dining and communal events for residents and visitors.

Five (5) Significant Trees located at the southeast portion of the land are proposed to be removed to accommodate accommodation units 17-19 and 22-24. These trees are reportedly diseased and significantly compromised as identified in the Arboricultural Report prepared by Tertiary Tree Consulting (TTC) included as **Attachment 1E**.

No subdivision of the subject land is proposed. The landscaped setting of the property would be expected to remain a key feature of the intended future use of the land.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference

Title ref.: CT 5475/590 **Plan Parcel:** F132681 AL90 **Council:** CITY OF TEA TREE GULLY

The subject land is a rectangular allotment encompassing an area of approximately 2.9ha with a frontage to Yatala Vale Road of approximately 160 metres and a depth of approximately 180 metres. A substantial two (2) level dwelling known as Yatahlia Manor exists in the central portion of the land within landscaped grounds which have established a semi-rural, semi-natural character in this location.

The subject land features substantial vegetation including Regulated and Significant trees which provide visual screening to the property's interior from the public realm. The subject land and its approximate locality are highlighted in Figure 1, and a Zone Map is included in Figure 2.

Locality

The surrounding locality presents a mix residential and industrial uses as summarised in the following table.

Direction	Development
North	Mineral extraction and building product sale premises including Hallett / Austral Bricks and PGH (Brickworks) Bricks and Pavers within the Resource Extraction Zone (identified as a ' <i>Strategic Resource Area</i> ' in this location), used for extraction of sand clay and shale material.
East	Single level dwellings and outbuildings including horse agistment facilities (within the Rural Living Zone)
South	Single level dwellings (within the General Neighbourhood Zone)
West	Single level dwellings and outbuildings including horse agistment facilities within the Rural Living Zone)



Figure 1 – Subject Land and Approximate Locality



Figure 2 – Subject Land Zone Map

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Residential Park: Code Assessed - Performance Assessed
New housing
Other - Commercial/Industrial - Commercial tenancy: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
Planning and Design Code – The proposal for a 'Residential Park' is not classified as an 'accepted', 'deemed-to-satisfy' or 'restricted' form of development within the Code's Rural Living Zone (the Zone), such that the proposal defaults to a 'Code Assessed – Performance Assessed' form of development in accordance with Section 107(1) of the PDI Act.

PUBLIC NOTIFICATION

Yes

- **REASON**
The Zone's Table 5 – Procedural Matters – Notification does not specifically exclude a 'dwelling' as part of a 'Residential Park' proposal from public notification requirements. Accordingly, the proposal was public notified between 20 March 2026 and 8 May 2026, with 129 representations submitted comprising 86 representations in opposition to the proposal, 38 representations in support of the proposal and five (5) representations in support of the proposal with some concerns.
- **SUMMARY**
Opposing Views:
 - the proposal is seriously at variance with Code policy;
 - excessive density / overdevelopment of the land, contrary to policy recommendations and intent of land uses envisaged in the Zone;
 - compromise in the integrity of the Zone as a buffer between the Resource Extraction Zone and nearby residential development;
 - increased risk in incidents of bushfire and / or flooding, including increased stormwater runoff to adjoining property;
 - vehicle access arrangements, constraints on emergency service vehicle access, excessive traffic generation and increase in demand for on-street car parking introducing safety risks;
 - generation of noise and light spill impacting on established residential amenity;
 - inappropriate intensification of additional sensitive uses in proximity to mineral extraction activities within Mineral Tenements operating in the adjacent Resource Extraction Zone (in accordance with the *Mining Act 1971* and *Environment Protection Act 1993* as a prescribed activity of environmental significance), compromising the future operation of a recognised strategic resource area;
 - potential for future subdivision;
 - insufficient built form setbacks from site boundaries;
 - insufficient visitor parking provision;
 - introduction of additional demand on local services and infrastructure necessitating future investment at the expense of the public / ratepayers;
 - necessity for rezoning of the subject land to properly consider the proposed land use;
 - tree damaging activity and removal of native vegetation compromising the natural landscape, reducing tree canopy extent and ecological connectivity to the Mount Lofty ranges;
 - destruction of scarce habitat for flora / fauna compromising biodiversity in the area;
 - introduction of a precedent for similar development concepts in the Rural Living and Hills Face Zones;
 - absence of Affordable Housing outcomes;

- devaluation of residential property; and
- abuse of process via the Outline Consent process.

Supportive Views:

- introduction of increased housing diversity including provision of low maintenance dwellings for vulnerable community members and persons wishing to 'downsize';
- coordinated, orderly and efficient use of underutilised serviced land reducing pressure on greenfield housing opportunities;
- suitable response to current housing demands contributing to the area's evolving character;
- potential for lower and more consistent traffic and noise generation compared to established use as a function space / venue;
- limited views of proposed built form from the public realm;
- tree damaging activity based on safety and risk management grounds; and
- increase in surrounding property value and additional economic growth.

14 representors have indicated a wish to be heard in support of their views, either personally or by a nominated speaker.

AGENCY REFERRALS

Referral Body	Function	Summary of Response
The City of Tea Tree Gully Regulation 23(2)(b)	Comment	Concerns related to: • insufficient provision of information in general; • inadequate separation of accommodation units from site boundaries; • proposed waste collection arrangements; and • proposed stormwater management and flood risk arrangements.

INTERNAL REFERRALS

N/A

PLANNING ASSESSMENT

The application has been assessed against the provisions of the Code that would apply as if the application for an Outline Consent were an application for Planning Consent, in accordance with Part 6(1)(a) of the Commission's Practice Direction 18 – Outline Consent. A copy of the Code as published at the time of lodgement is contained in **Appendix One (1)**.

Question of Seriously at Variance

Pursuant to section 107(2)(c) of the PDI Act, development must not be granted planning consent if it is seriously at variance with the Code. The Commission's Practice Direction 18 – Outline Consent establishes assessment considerations and requirements for the purposes of an application for an Outline Consent (in accordance with section 120 of the PDI Act).

The proposed development would comprise removal of five (5) significant trees and construction of 30 dwellings forming a residential park, which is a form of residential development as defined by the *Residential Parks Act 2007*.

As a neighbourhood-type zone as defined by the Code's Part 8 – Administrative Terms and Definitions Table, the Zone anticipates residential development including a variety of dwelling types and residential accommodation supporting the residential lifestyle generally anticipated in the Zone.

While the development would arguably not provide the range of low intensity rural activities and home-based business activities desired in this location, the predominant residential nature of the proposed use and intent

to utilise the existing Yatahlia Manor building to provide a venue for various associated communal activities (understood to include billiards; sewing; home theatre; wellness activities; dining opportunities and undefined programmed events) to benefit intended future residents would adequately align with the Zone's expectations for non-residential use intended to support rural living pursuits although these would be directly associated with the intended residential use.

Noting the intent to provide a development outcome of an entirely residential nature upon the subject land, the application for Outline Consent is not considered to be one that could be reasonably described as being seriously at variance with fundamental Code policy expectations in accordance with section 107(2)(c) of the PDI Act. Relevant elements of the development are discussed in the following sections.

Quantitative Provisions

Design Parameters	P&D Code Guideline	Proposal	Achieved / Not Achieved
Boundary Setbacks	For allotments with an area of more than 1ha in area (or more): at least 20 metres from all boundaries (Built Form and Character DTS/DPF 2.1a);	Built form setbacks varying from: - approximately 6.5 and 20.5 metres from the Yatala Vale Road (primary) boundary; - approximately 2.7 metres and 22 metres from side boundaries; and - approximately 73 metres from rear boundary	Not Achieved
Building Height	Dwellings should - have a building height no greater than two (2) building levels and nine (9) metres (Built Form and Character DTS/DPF 2.1b); and - have a wall height no greater than six (6) metres (Built Form and Character DTS/DPF 2.1c);	Single level accommodation (vertical dimension undefined)	Achieved
Dwelling Density	Development will not result in more than one (1) dwelling on an existing allotment (Site Dimensions and Land Division DTS/DPF 3.1)	31 dwellings (including one existing dwelling)	Not Achieved

Building Height, Bulk and Scale

The Code recommends that development not exceed two (2) building levels and nine (9) metres in height (and have a wall height no greater than six (6) metres) in this location.

No fundamental concerns are raised in relation to the proposed height of built form proposed in the application, as the applicant has indicated all structures would be limited to a single building level satisfying the building height outcomes anticipated by the Zone's Built Form and Character DTS/DPF 2.1 (b) and (c).

Building Envelope

The Zone's (Built Form and Character) PO 2.1 recommends development of dwellings that would be sufficiently separated from site boundaries and of a scale that reinforces the semi-rural or semi-natural character and amenity desired in this location.

While some boundary setbacks would be satisfactory (exceeding 20 metres) in accordance with distances recommended by Zone (Built Form and Character) DTS/DPF 2.1(a)(i), the collective proposal would not achieve the recommended built form separation from boundaries in all circumstance, which arguably would fail to satisfy the intent of the Zone's desire for development that would ensure a spacious and secluded residential lifestyle through the establishment and maintenance of a semi-rural or semi-natural character.

This represents a considerable deficiency against Code policy recommendations and is not supported.

Access

While the Zone makes no specific reference to expectations related to vehicle and/or pedestrian access, the Code's General Development policy provides guidance regarding arrangements intended for vehicle access, quantity and appearance of off-street car parking and the potential for hazards caused by vehicle traffic.

Access to the land for occupants and vehicles would be provided via a dual lane, unsealed access point referred to as Liquidambar Drive accessible via Yatala Vale Road from the subject land's southeast corner. This would connect to a network of internal roadways intersecting the proposed accommodation units referred to as Plane Tree Boulevard and Oak Lane, each with cul-de-sac sections at the southern portion of the proposed development area.

Representors have raised concerns regarding expectations of excessive traffic generation and on-street parking occurring due to the development, particularly because of visitor activity. Concerns were also raised regarding capability for occupant evacuation in the event of emergencies including bushfire incidents, which have occurred in the locality in the past.

As the existing access point has adequately serviced the operation of the subject land as a wedding and function venue over recent years, the proposed access arrangement would be considered acceptable noting the applicant has reasonably indicated that the proposed Residential Park land use would be likely to generate a more regular and predictable pattern of activity associated with ongoing residential occupation.

For a Residential Park development, the Code's Transport, Access and Parking module's Table 1 – General Off-Street Car Parking Requirements recommends provision of one (1) parking space per dwelling comprising one (1) or two (2) bedrooms, and two (2) spaces per dwelling comprising three (3) or more bedrooms. No specific guidance regarding recommended provision of on-site bicycle parking is provided in the Code's Transport, Access and Parking module's Table 3 – Off-Street Bicycle Parking Requirements.

Based on the on-site car parking recommendations of Table 1, the development would generate a demand for 36 on-site parking spaces for building occupants and 6 spaces for visitors.

Each of the proposed dwellings would likely be capable of accommodating between two (2) to three (3) carparking spaces in either an interior garage or exterior driveway, and an area is earmarked for car parking adjacent the western side of the Yatahlia Manor building which appears to have capacity for approximately eight (8) additional car parking spaces.

No information has been provided with respect to provision of on-site bicycle parking spaces or to demonstrate anticipated traffic generation in response to community concerns.

Despite this, the provision of on-site car parking would meet or exceed the rate recommended for a Residential Park by Table 1 of the Code's Transport, Access and Parking module, generally satisfying access expectations for development of this nature. Similarly, the proposed access point would be likely to capably accommodate vehicle movements of the nature anticipated by this form of development noting its historic use as an access point to land used as a function centre / wedding venue.

Overall, the intended access arrangements are considered appropriate and acceptable.

Land Use

The Zone contemplates a spacious and secluded residential lifestyle within semi-rural or semi-natural environments, providing opportunities for a range of low-intensity rural activities and home-based business activities that complement that lifestyle choice including animal keeping and non-residential development that would complement the established character and amenity of the land.

Residential development is envisaged in this location provided it would include complementary ancillary non-residential uses that would not place additional demands on services and infrastructure and would be compatible with a secluded semi-rural or semi-natural residential character.

The applicant asserts the Outline Consent application for a Residential Park comprising single level accommodation units intended for persons aged 55 and over, or intending to downsize, would result in a development outcome that would be sympathetic to the existing high quality landscaped setting of the subject

land, supported by the use of the existing Yatahlia Manor building dwelling as a community hub to support the health and well-being of occupants on the land.

Representors insist the development, which would be established adjacent a Resource Extraction Zone which facilitates ongoing mineral extraction activities, would occur in a location which is intended to provide a buffer and separation between those activities and sensitive uses further south in the General Neighbourhood Zone.

Concerns in this regard relate to potential for noise and/or air emissions, the latter generated predominantly by dust generation from the operations of businesses operating within the Resource Extraction Zone.

Low density residential development has been authorised and constructed within this portion of the Rural Living Zone, notwithstanding its proximity to the Resource Extraction Zone.

Representors consider the proposed Residential Park would effectively operate as a Retirement Living facility supported by communal uses within existing Manor building. Representors also suggest there could be no basis on which an intense residential development of 30 dwellings could be contemplated within the Rural Living Zone, as the proposal would result in a material intensification of a form of development that is specifically not contemplated in this location.

The adjoining Resource Extraction Zone has been recognised as a strategic resource area with key economic value for the state. That identification references the need to minimize conflicts with incompatible developments and preserve appropriate separation distances between quarry operations and residential areas.

While interface conditions are not specifically required to be considered for the purposes of assessing an Outline Consent application (per Practice Direction 18), these circumstances are relevant in considering the appropriateness of a land use proposal of this nature in this location.

In response to representors' concerns, the applicant arranged preparation of the following supporting information (copies of which are included in **Attachment 5**):

- an Environmental Noise Assessment by Sonus, which concluded that both the proposed Residential Park and existing accommodation units nearby would be adequately protected from noise impacts provided dwellings within the Residential Park would incorporate upgraded glazing (6.38mm) to further reduce indoor noise levels; and
- an Air Quality Assessment by Health Risk Services, which concluded development of a Residential Park in this location would not be detrimentally influenced by current or anticipated future activities of businesses operating in the adjacent Resource Extraction Zone.

In recognition of these findings, the applicant believes the proposal would be capable of maintaining an appropriate interface with adjoining residential properties, which is considered reasonable.

Overall, the proposal would be expected fall within the tolerances afforded by performance outcomes of Code policy related to interfaces between land uses and potential for impacts resulting from the proposed built form, noise and air emissions. Ultimately the continuation of residential land use on the subject land is considered acceptable in principle.

The intensity (and density) of the proposed Residential Park development raises legitimate concerns, as discussed in the following section.

Density

To appropriately contribute to a semi-rural pattern of development anticipated in the locality, the Zone's (Site Dimensions and Land Division) DTS/DPF 3.1 suggests development of no more than one (1) dwelling on an existing allotment would be one way of satisfying the corresponding Performance Outcome.

The proposal would introduce an additional 30 dwellings on the subject land, constituting what would be a magnitude of density and likely intensity of use considered to be excessive, a view communicated by multiple representors.

While no land division is proposed as an element of the Outline Consent application, the intended density of dwellings is arguably contrary to the policy expectations of the Zone and would be inconsistent with the desired density outcomes for dwellings both in this location and in the adjacent General Neighbourhood Zone.

Legal advice provided by McDonald Game Lawyers in response to representations (included **Attachment 5**) refers to case law which places emphasis on the need for a relevant authority to have appropriate regard to particular contextual circumstances of a proposed development site in undertaking development assessment.

McDonald Game suggest that the existing locality is not archetypal of other areas within the Rural Living Zone, namely that it is not characterised as overtly rural or natural in setting such that there are difficulties in describing the locality as comprising a “semi-rural” pattern of development.

McDonald Game also believe that the expectations for the development of the subject land and the land uses which may be acceptable on it (by virtue of the application of the Code’s Rural Living Zone) may differ from what might be expected in other parts of the Rural Living Zone, and that these must be considered in light of the actual context of the land.

While the DTS/DPF policy attributed to the relevant Performance Outcomes of relevance to expectations concerning dwelling density and boundary setbacks are generally discretionary (or optional) in nature, those DTS/DPF policies still provide useful guidance with respect to the policy intent underpinning circumstances which would be considered appropriate and acceptable for achieving the associated development outcomes in this location in accordance with the Code’s Rules of Interpretation.

Although the subject land (comprising approximately 2.9ha in area) could conceivably be capable of accommodating more than a single dwelling or accommodation unit of the nature proposed, the scale of the development is not considered appropriate in recognition of the built form outcomes and allotment size anticipated in the Zone in support of traditional Rural Living opportunities.

It should also be noted that while achievement of DTS/DPF outcomes are suggestions of one way to achieve corresponding performance outcomes established by the Code, it is considered appropriate to give commensurate weight to the DTS/DPF criteria in determining whether certain elements of a proposed development should be seen as reasonable, or otherwise.

Further, the Zone’s (Site Dimensions and Land Division) PO 3.1 anticipates development for semi-rural residential purposes that would be consistent with the semi-rural pattern of development consistent to the locality, which varies considerably between Zone boundaries but does not exhibit dwelling density of the form proposed in this application.

Accordingly, and in recognition of Code policy guidance advocating for development in the Zone that would not result in more than one (1) dwelling on an existing allotment the dwelling density proposed in the application would fail to positively contribute to the desired semi-rural pattern of development anticipated by the Code’s Rural Living Zone (Site Dimensions and Land Division) PO 3.1. This element of the Outline Consent application is not supported.

Open Space

The Code’s General Development (Design in Urban Areas) policy promotes provision of quality of spaces integrated with the public realm which help optimise accessibility, comfort and safety for members of the public.

Application details indicate that the landscaped area surrounding the existing Yatahlia Manor building, including the central open space area and pond, would be accessible to all residents and visitors providing multiple relaxation and recreation opportunities. The applicant suggests additional landscaping would be included in these peripheral areas to complement and enhance the existing gardens and character of the subject land.

It is noted the proposed accommodation units would not include perimeter fencing delineating formal, private open space which would otherwise vary in size and location adjacent the proposed accommodation units based on boundary setbacks and separation distances between the dwellings.

On this basis there can be no definitive determination of site area attributed to each proposed dwelling, although each dwelling should be provided with at least 24m² of private open space located behind the building line in accordance with Table 1 – Private Open Space of the Code's General Development (Design) policy module.

Despite this the remainder of the subject land (intended to remain open and undeveloped, and available for use by proposed occupants of the Residential Park) would exceed the area recommended in Table 2 – Communal Open Space of the Code's General Development (Design) policy module, thus satisfying the intent of Design (Private Open Space) PO 17.1 which anticipates dwellings provided with suitable sized areas of usable private open space or communal open space to meet the needs of occupants.

Other Matters

Tree Damaging Activity

The Code's Regulated and Significant Tree Overlay anticipates conservation of Regulated and Significant trees to mitigate tree loss and provide aesthetic and environmental benefits.

Five (5) Significant Trees located at the southeast portion of the land are proposed to be removed to accommodate accommodation units 17-19 and 22-24. These trees are reportedly diseased and significantly compromised as identified in the Arboricultural Report prepared by Tertiary Tree Consulting (TTC) included as **Attachment 1E**.

TTC's assessment identifies each of these trees as *Eucalyptus camaldulensis* (River Red Gum) trees all of which exhibit structural defects and below average to poor health, such that TTC has attributed a high hazard rating to all. Multiple representors have objected to the removal of these trees, considering they provide valuable habitat for flora and fauna and their removal would be contrary to maintaining the subject land's semi-rural and semi-natural character.

TTC considers that no viable alternative risk mitigation measures would be feasible without undermining the economic and functional viability of the site, as TTC considers both pruning and engineered exclusion zones would be ineffective or cost-prohibitive. TTC concludes that retaining these trees would present an unacceptable risk and fail to deliver significant environmental, aesthetic, or biodiversity benefits, such that the trees fall short of meeting policy expectations of Regulated and Significant Tree Overlay (Tree Retention and Health) PO 1.2.

As such the proposed removal of compromised Significant Trees from the subject land would be supportable in accordance with the relevant provisions of the Overlay.

CONCLUSION

The elements included in this proposal for Outline Consent demonstrates a mix of outcomes that would perform both positively and insufficiently against the applicable Code policy, noting the limited scope of assessment established for this purpose by the Commission's Practice Direction 18 – Outline Consent. A summary of the performance of each relevant element is provided below:

- Building Height – no concerns are raised in relation to the proposed built form height as all new structures would be limited to a single building level satisfying the outcomes anticipated by the Zone's Built Form and Character DTS/DPF 2.1 (b) and (c);
- Building Envelope – some boundary setbacks (exceeding 20 metres) would be satisfactory in accordance with distances recommended by Zone (Built Form and Character) DTS/DPF 2.1(a)(i), however the collective proposal would not achieve the recommended built form separation from boundaries in all circumstance, which would fail to satisfy the intent of the Zone's desire for development that would ensure a spacious and secluded residential lifestyle. This characteristic of the proposal is not supported;
- Access – provisions for vehicle and pedestrian access would be broadly consistent with the historical use of the subject land by utilising the existing dual-lane roadway at the subject land's southeast corner accessible via Yatala Vale Road, and would be acceptable;

- Land Use (including interface impacts) – residential use is generally anticipated within the Zone such that there is no in-principle objection to the residential nature of the proposed future use, and this has been supported by technical details indicating the intended residential use would not be incompatible with the operations of the businesses within the adjacent Resource Extraction Zone in terms of future occupant health and well-being;
- Density – the proposed addition of 30 dwellings to the subject land would be excessive relative to the expectations of the Zone’s (Site Dimensions and Land Division) PO 3.1 which advocates for development that would not result in more than one (1) dwelling on an existing allotment to contribute to a semi-rural pattern of development consistent to the locality and suitable for the dwelling’s intended use. This characteristic of the proposal is not supported;
- Open Space – the undeveloped portion of the subject land would reportedly be made available for communal use by any future occupants of the proposed Residential Park, such that any shortfalls against private open space provision would be tolerable and meet the intent of the Code’s Design policy module; and
- Any other aspect (tree damaging activity) – removal of five (5) Significant Trees is

While some elements of the proposal would perform acceptably with respect to the Code’s envisaged outcomes in this scenario, the composite effect of deficiencies of dwelling density and built form setbacks (in particular) are such that the proposal would be inconsistent with the fundamental intent of the Zone and is not supportable.

Refusal of this Outline Consent application is recommended.

RECOMMENDATION

It is recommended that the State Commission Assessment Panel resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number SA-604 by Garry and Lorelie Williams is refused Outline Consent, as the development would fail to adequately satisfy Planning and Design Code Policy expectations for built form configuration and dwelling density and intensity, contrary to outcomes recommended for maintaining the desired semi-rural and semi-natural pattern of development in the Rural Living Zone as established by the following Performance Outcomes:
 - Rural Living Zone (Built Form and Character) PO 2.1; and
 - Rural Living Zone (Site Dimensions and Land Division) PO 3.1.