



Naracoorte Lucindale Council  
*Better by Nature*

# NORTHERN LIMESTONE COAST REGIONAL ASSESSMENT PANEL

## NOTICE OF MEETING

Members are advised that a Meeting of the Northern Limestone Coast Regional Assessment Panel will be held on Wednesday, 10 February 2021 commencing at 10am in the Naracoorte Town Hall.

**AGENDA OF BUSINESS FOR DISCUSSION IS ATTACHED.**

If you are not able to attend the meeting, please advise Naracoorte Lucindale Council on 8760 1100 or email [council@nlc.sa.gov.au](mailto:council@nlc.sa.gov.au)

A handwritten signature in black ink, appearing to read "R. Bell", written over a dotted line.

ASSESSMENT MANAGER  
4 February 2020

**Northern Limestone Coast  
Regional Assessment Panel  
AGENDA FOR MEETING BEING HELD ON  
10 February 2021**

AGENDA

1.	Members Declaration of Interest.....	3
2.	Confirmation of Minutes.....	3
3.	Hearing of Representations.....	3
4.	Reports.....	4
4.1	Dwelling and Ancillary farming activities.....	4
4.2	Application to Vary Condition 16: Approved Workers Accommodation 19 Gordon Street, Naracoorte – Development Application 20000507.....	16
5.	Other Business.....	20
6.	Meeting Closed.....	20

**Northern Limestone Coast  
Regional Assessment Panel  
AGENDA FOR MEETING BEING HELD ON  
10 February 2021**

## **AGENDA**

**COMMENCED:** Meeting commenced at \*\*pm in

**PRESENT:**

**APOLOGIES:**

**ON LEAVE:**

**OFFICERS:**

**MEDIA  
REPRESENTATIVES:**

### **1. Member's Declaration of Interest**

### **2. Confirmation of Minutes**

#### **RECOMMENDATION**

**MOVED CR  
SECONDED CR**

**That the Minutes of the Northern Limestone Coast Regional Assessment Panel meeting held on 16 December 2020 are taken as read and confirmed as an accurate record of the proceedings of the meeting.**

### **3. Hearing of representations**

# Northern Limestone Coast Regional Assessment Panel AGENDA FOR MEETING BEING HELD ON 10 February 2021

## 4. Reports

### 4.1 Dwelling and Ancillary Farming Activities

#### 1.0 DEVELOPMENT DETAILS

Proposed Development:	Dwelling and Ancillary Farming Activities
Development Application Number:	20001224
Applicant/Owner:	Frank Brennan / Mr Paul Leech
Property Address:	LOT 382 OLD CAVES RD, MOUNT LIGHT SA 5271
Certificate of Title:	Volume 5824 Folio 457
Land Use:	Rural Living and Ancillary Farming
Zone:	Rural Zone – Planning and Design Code
Public Notification:	Performance Assessed Development
Application Lodged:	19th October 2020

#### 2.0 SUBJECT LAND AND LOCALITY

The subject land is formally identified as Allotment 382 as contained within Certificate of Title Volume 5824 Folio 457. The land is more commonly referred to as LOT 382 Old Caves Rd, Mount Light.

The land is a rectangular shaped allotment of some 1.61 hectares with a frontage to Old Caves Road of some 189m and a secondary frontage of 111m to Pistol Club Road (see Figure 1 below). The land is not subject to any easements or endorsements.

The land is located within the Rural Zone as identified by the Planning and Design Code, 2020. It is largely flat throughout with a gradual easterly slope. The allotment is currently vacant, excluding an existing shed located centrally on the land, tracts of native trees predominantly located to the south of the land straddling the allotment boundary, and the remains of an old, dilapidated dwelling to the north-east of the site.

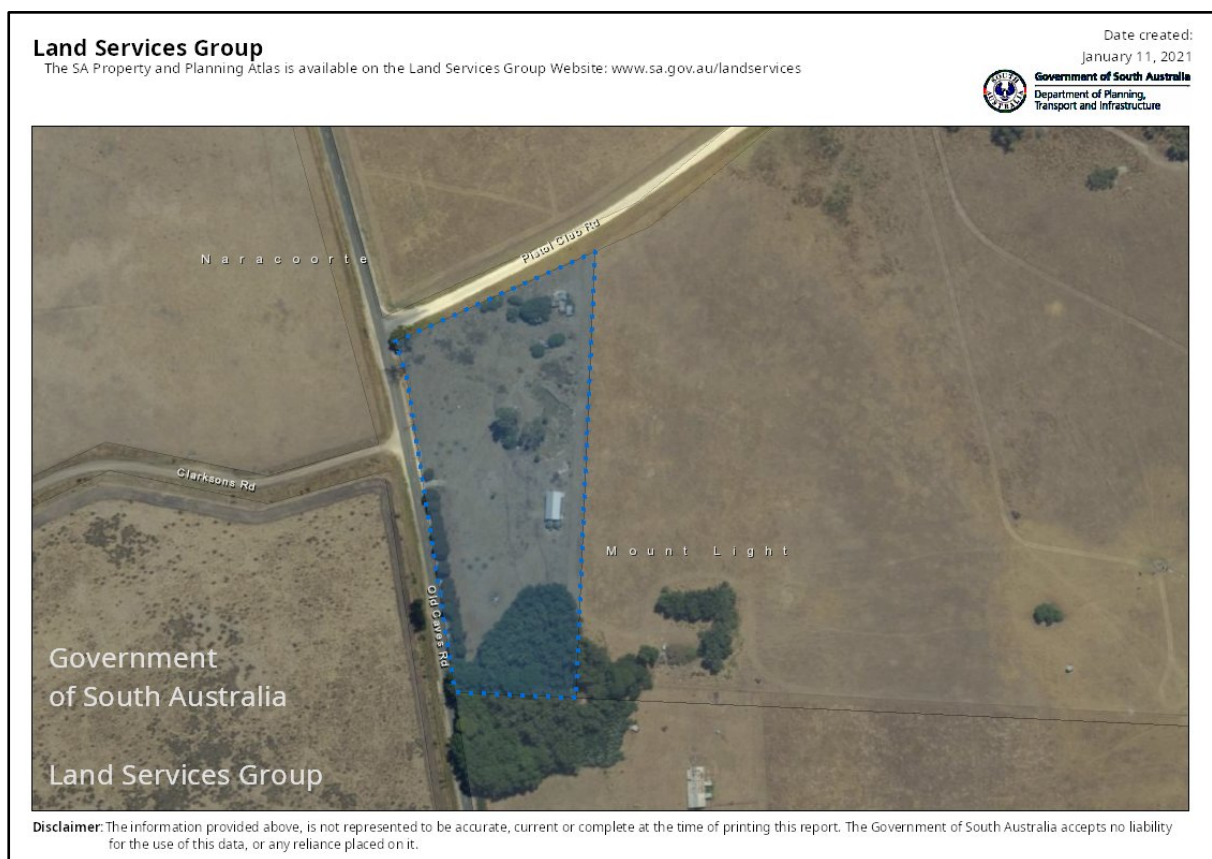
The locality comprises a mix of larger rural land holdings to the south and east which are primarily used for primary production purposes. Several smaller Rural Living zoned allotments can be found 720m to the west and 280m to the north, many of which accommodate dwellings and ancillary structures with a character typical of rural living allotments (see Figure 2 & 3 below).

# Northern Limestone Coast Regional Assessment Panel AGENDA FOR MEETING BEING HELD ON 10 February 2021

The land to the immediate north and east of the subject land are larger allotments suitable for commercial scale primary production uses. The subject land does not abut land within another zone.

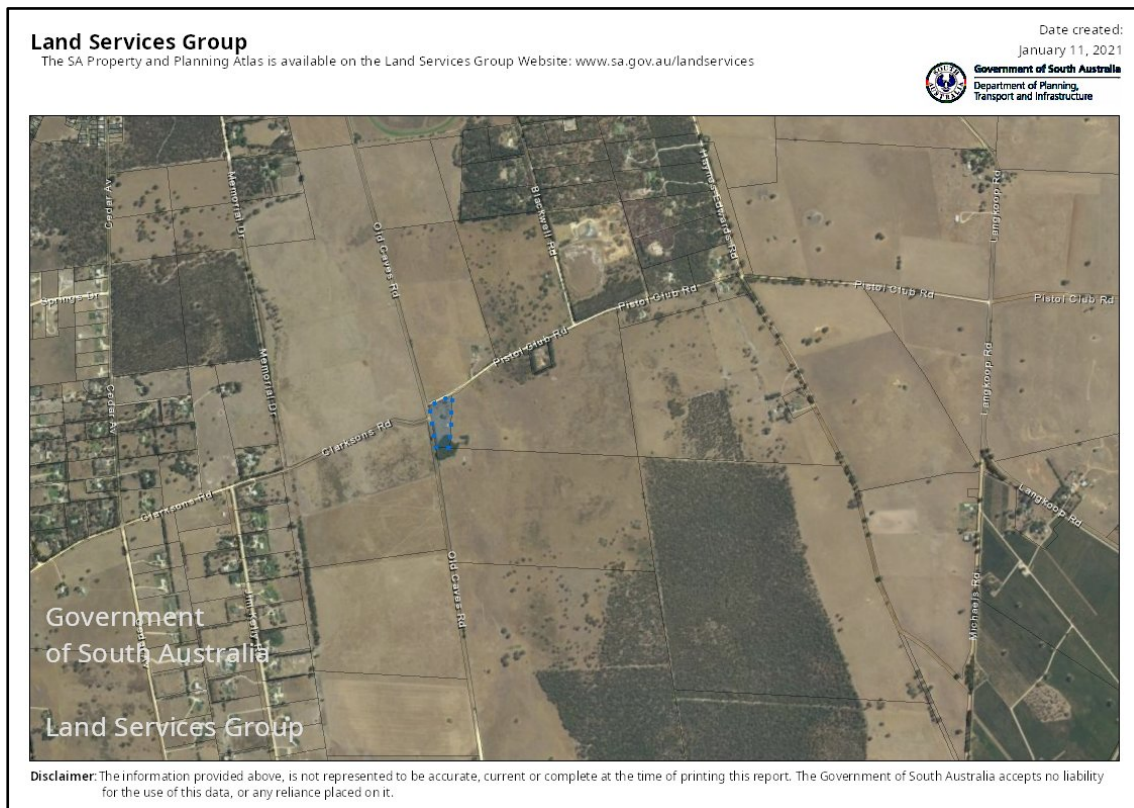
This allotment is not serviced by reticulated water supply, or a connection to a sewer or wastewater system.

The subject land is depicted in Figure 1, the locality in Figure 2, and the Code zoning arrangements in Figure 3.



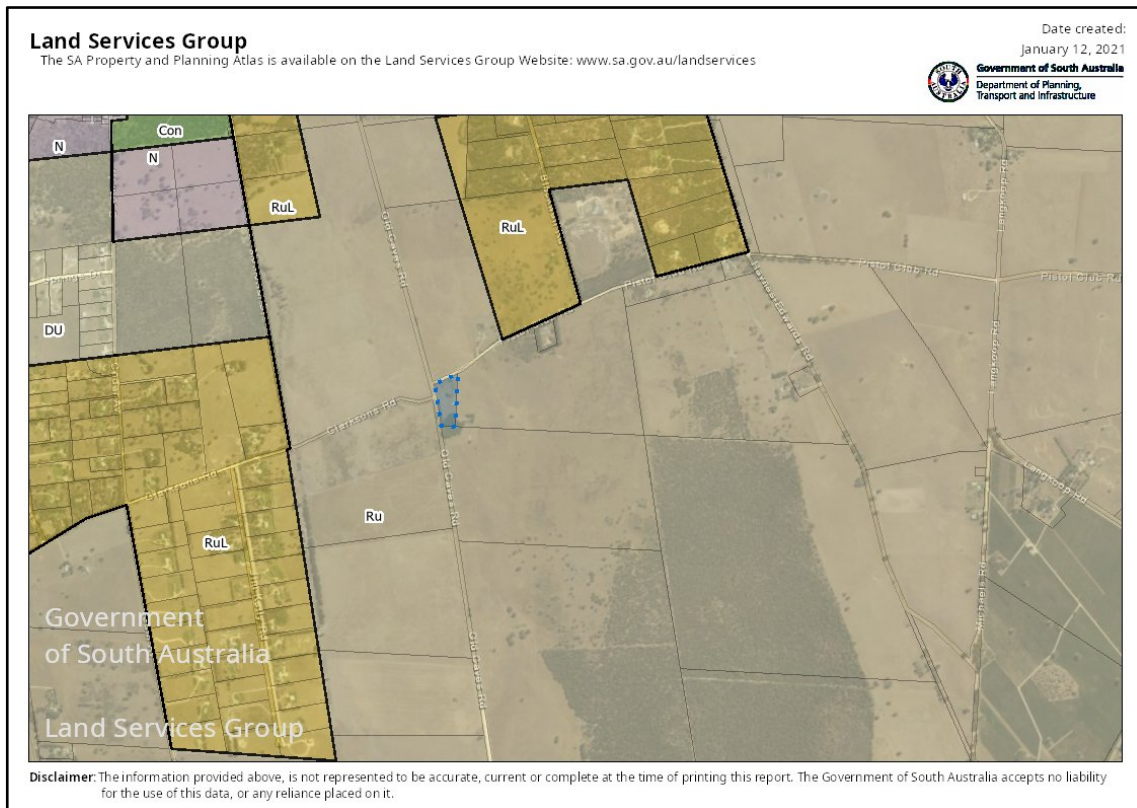
**Figure 1:** The subject land ([www.maps.sa.gov.au](http://www.maps.sa.gov.au))

# Northern Limestone Coast Regional Assessment Panel AGENDA FOR MEETING BEING HELD ON 10 February 2021



**Figure 2:** Subject land and locality ([www.maps.sa.gov.au](http://www.maps.sa.gov.au))

# Northern Limestone Coast Regional Assessment Panel AGENDA FOR MEETING BEING HELD ON 10 February 2021



**Figure 3:** Planning and Design Code locality zoning arrangements ([www.maps.sa.gov.au](http://www.maps.sa.gov.au))

### 3.0 BACKGROUND

A dwelling was at one time erected on the land and a ruin exists in the north east corner of the property. By the condition of the ruin, it would appear no-one has lived on the land for a significant period of time. As such, there are no existing use rights applicable to the land for the dwelling.

By reference to the original certificate of title, the allotment was created by way of a land grant in 1900 so the land has existed a separate land holding since that time.

### 4.0 PROPOSED DEVELOPMENT

The proposed development is for the construction of a modest detached single storey dwelling and ancillary farming activities in the form of truffle oak horticulture and sheep grazing. The proposed dwelling will have a total floor area of 246.2m<sup>2</sup> with a primary frontage to Old Caves Road.

The dwelling is to be located centrally on the allotment with a 30 metre setback from Old Caves Road, a 33 metre setback from the rear property boundary, and an 81 metre setback from the northern property boundary to Pistol Club Road. The dwelling comprises four bedrooms, media room, kitchen, pantry combined family/meals, laundry, bathroom, water closet, and

# Northern Limestone Coast Regional Assessment Panel AGENDA FOR MEETING BEING HELD ON 10 February 2021

porch. A free-standing Colourbond clad outbuilding is currently located to the immediate east of the proposed dwelling (to the rear).

It is proposed that water will be supplied to the development via an existing groundwater bore and two existing 22,500L rainwater tanks. An additional 22,500L tank for firefighting purposes will be included. This tank is to abut the northern façade of the existing shed.

It is understood that the applicant intends to submit a separate application to the Council for a septic tank to be constructed on the land, pending the approval of the dwelling. Tank and soakage to be located to the rear of the dwelling.

A rubble driveway provides access to the dwelling via an existing crossover to Old Caves Road.

Per a Further Information Request, the relevant authority sought additional details regarding the farming activities to be undertaken on the subject land. The applicant provided the following response: *'The site is currently utilised for the grazing of livestock (sheep) and this activity will continue into the future. There is a trial planting of truffle oak trees on the property that have been planted to ascertain if they will produce truffles. If this long-term trial planting is successful, this activity will be continued and expanded on the property.'*

Aerial desktop analysis of the site does not indicate that any significant livestock grazing (or existence of livestock pens/yards) is currently being undertaken on the land. The proposed truffle planting will be a minor undertaking ancillary to the proposed residential uses of the land. This activity very much resembles what would constitute hobby farming. These activities are reflected on the site plan, which is reproduced in Figure 4 below.



**Northern Limestone Coast  
Regional Assessment Panel  
AGENDA FOR MEETING BEING HELD ON  
10 February 2021**



**Figure 4:** Site Plan (Frank Brennan Consulting Services)

**5.0 CONSULTATION WITH GOVERNMENT AGENCIES**

No statutory referrals with Government Agencies were required during the assessment process.

**6.0 DEVELOPMENT ASSESMENT**

I have given careful consideration to the relevant policies and provisions of the Planning and Design Code. The provisions of the Code I consider most relevant to this application are as follows.

# Northern Limestone Coast Regional Assessment Panel AGENDA FOR MEETING BEING HELD ON 10 February 2021

## Zone Section

### **Rural Zone**

DO1; DO2

Land Use and Intensity  
PO 1.1

Siting and Design  
PO 2.1, PO 2.2

Dwellings  
PO 5.1, PO 5.4

Built Form and Character  
PO 10.1

Concept Plans  
PO 14.1

## General Section

Clearance from Overhead Powerlines  
PO 1.1

Design [All development [On-site Waste Treatment Systems]]  
PO 6.1

Design [All development [Earthworks and sloping land]]  
PO 8.1, PO 8.2, PO 8.3, PO 8.4, PO 8.5

Design [Residential development [Design of Transportable Dwellings]]  
PO 19.1

Infrastructure and Renewable Energy Facilities [Water Supply]  
PO 11.2

Infrastructure and Renewable Energy Facilities [Wastewater Services]  
PO 12.1, PO 12.2

Interface between Land Uses [Interface with Rural Activities]  
PO 9.1, PO 9.2, PO 9.3, PO 9.4, PO 9.5, PO 9.6, PO 9.7

Interface between Land Uses [Interface with Mines and Quarries (Rural and Remote Areas)]  
PO 10.1

Site Contamination  
PO 1.1

# Northern Limestone Coast Regional Assessment Panel AGENDA FOR MEETING BEING HELD ON 10 February 2021

Transport, Access and Parking [Vehicle Access]  
PO 3.1, PO 3.5

I have not referred specifically to all the above provisions, only those I consider most relevant to the proposed development (reproduced in bold text). The planning assessment against these provisions is detailed below.

## ZONE SECTION

### Rural Zone

#### Desired Outcome

Desired Outcome	
DO 1	A zone supporting the economic prosperity of South Australia primarily through the production, processing, storage and distribution of primary produce, forestry and the generation of energy from renewable sources.
DO 2	A zone supporting diversification of existing businesses that promote value-adding such as industry, storage and warehousing activities, the sale and consumption of primary produce, tourist development and accommodation.

#### PO 1.1

**The productive value of rural land for a range of primary production activities and associated value adding, processing, warehousing and distribution is supported, protected and maintained.**

Dwellings					
<p>PO 5.1 Residential development is ancillary to, and does not compromise, primary production.</p>	<p>DTS/DPF 5.1 Dwellings:</p> <p>(a) are located on an allotment with an area not less than:</p> <table border="1" style="margin-left: 20px;"> <thead> <tr> <th style="text-align: center;">Minimum Dwelling Allotment Size</th> <th style="text-align: center;">DwellMin</th> </tr> </thead> <tbody> <tr> <td>Minimum dwelling allotment size is 40 ha</td> <td style="text-align: center;">400000</td> </tr> </tbody> </table> <p>(b) are located on and have a demonstrated connection with an allotment used for primary production or value-adding</p> <p>(c) will not result in more than one dwelling on an allotment.</p> <p>In instances where:</p> <p>(d) more than one value is returned, refer to the <i>Minimum Dwelling Allotment Size Technical and Numeric Variation</i> layer in the SA planning database to determine the applicable value relevant to the site of the proposed development</p> <p>(e) no value is returned (ie there is a blank field), then there is no minimum dwelling allotment size and DTS/DPF 5.1(a) is met.</p>	Minimum Dwelling Allotment Size	DwellMin	Minimum dwelling allotment size is 40 ha	400000
Minimum Dwelling Allotment Size	DwellMin				
Minimum dwelling allotment size is 40 ha	400000				
<p>PO 5.4 Dwelling are sited, designed and of a scale that maintains a pleasant rural character and amenity.</p>	<p>DTS/DPF 5.4 Dwellings:</p> <p>(a) are set back from all allotment boundaries by at least 40m</p> <p>(b) do not exceed 2 building levels and 9 metres measured from the top of the footings</p> <p>(c) have a wall height that is no greater than 6 metres.</p>				

A dwelling is a performance assessed land use in the Rural zone.

# Northern Limestone Coast Regional Assessment Panel AGENDA FOR MEETING BEING HELD ON 10 February 2021

The Code provisions, when read in their entirety, strongly discourages the development of dwellings as the primary use and feature of the land in rural areas. The Desired Outcome statements DO1 and DO2 of the Rural Zone reinforce this intent, whereby, the production, processing, storage and distribution of primary produce, forestry and the generation of energy from renewable sources are encouraged as the primary land uses within the zone. Moreover, PO 5.1 states that: *Residential development is ancillary to, and does not compromise, primary production.*

Rural planning policies recognise that farming land is a very important economic asset of the State and the District, quite apart from its value to the individual owners. The policies of the zone seek to reflect this. The value of rural land for farming purposes can be compromised or lost if it is fragmented into small pieces that are not useful for farming purposes or are developed for land uses that result in the potential for land use conflict.

The demand for houses on small allotments in rural areas primarily comes from developers wanting to exploit the lesser value of these holdings compared to equivalent Rural Living or residentially zoned land. There are numerous small allotments across the Council area that could be converted into Rural Living uses with consequent land use conflict issues if not properly managed.

Residential and Rural Living Zoned land is available surrounding the wider Naracoorte Township (see Figure 3) and, unlike land in the Rural Zone, are far more appropriate for rural residential purposes.

The introduction of rural living uses in inappropriate locations can often be detrimental to genuine farming. It can result in poor land management practice that gives rise to vermin and noxious weeds and roaming dogs, all of which impact on viability of adjoining farmland. Further, the notion of establishing a land use, such as a house near farming activities is likely to lead to potential conflicts with these activities on neighbouring lands. This may include late night activity associated with sowing or cropping, spraying of the noise from stock, or noise from frost fans, which are typical in the rural areas of the District. In the Rural Zone these farming activities take priority.

Utilising the subject land for residential purposes would be inconsistent with neighbouring uses, further fragmenting land use continuity within the zone and the establishment of a dwelling on the edge of a farming area will remove another parcel of land from its intended purpose.

Furthermore, rural residents frequently start demanding town services which are uneconomic to provide to scattered houses in what is supposed to be farming land. These demands involve seeking to have other ratepayers, whether real farmers or urban dwellers, subsidise rural residential lifestyles. The inefficiency of trying to provide urban services in such areas is apparent. More pertinently, the scattering of houses in the rural zone adds to pressure on emergency services organisations such as the CFS, with reports of increasingly more common fire risks and fire intensity, there is every reason to aggregate rural residential land uses in zone dedicated for the purpose.

Whilst it is pertinent to acknowledge that the subject land is a smaller landholding previously created and that the dimensions of the land limit the viability of the land to carry significant

# Northern Limestone Coast Regional Assessment Panel AGENDA FOR MEETING BEING HELD ON 10 February 2021

primary production uses, this does not over-ride the applicable provisions of the Code, noting the Code limits dwellings in the Rural zone to allotments of at least 40ha in area.

Moreover, DTS/DPF 5.1 requires that a dwelling have a demonstrated connection with an allotment used for primary production or value adding. No such evidence has been provided by the applicant and the suggestion that the grazing a few sheep and planting a few oak trees in the hope of producing truffles does not in my view show a demonstrated connection with farming.

Notwithstanding that some rural activity is proposed to be undertaken on the land, that of itself does not justify the need for a dwelling on the land. Neither the grazing of stock nor the growing of oak trees are uses that require a high level of site management that would warrant a house on the land.

More specifically, the applicant has not provided any details regarding farm or horticulture management practices, crop yields, livestock capacity, fencing or livestock pen areas, etc. Such details would typically be provided as part of a development proposal for farming or horticulture activities. The lack of detail and planning with regarding to primary production activities forming part of this proposal demonstrates that these uses are not the primary focus of the development and use of the subject land. They largely appear to be an attempt at justifying the dwelling rather than a properly considered primary production use.

Furthermore, the proposed dwelling, private open space, and wastewater areas are centrally located on the land. This precludes much of the site for primary production uses, fragments the site, and further reinforces the dwelling as the primary feature on the land. The Code also stipulates that the dwellings are to be located on an allotment with an area not less than 40ha and that dwellings are to have a minimum setback of 40m from allotment boundaries within the Rural Zone. In this case, the proposal cannot meet these quantitative guides detailed by the Code. This gives further weight to the argument that the subject allotment is not suited to accommodate a dwelling and residential uses.

If anything, the addition of a dwelling on the land tends to place pressure on legitimate farming operations and poses as a direct economic threat to those legitimate farmers who wish to purchase land holdings for agricultural purposes at agricultural land prices. I have already referred to number of interface issues that might affect the legitimate use of adjoining land.

Arguments that the subject land is unviable as a standalone allotment for primary production use are also spurious. The land could easily be amalgamated with adjoining farmland and used for primary production if the land value were not inflated by approval of rural living use or prejudiced by the undertaking of inconsistent land uses. The subject land is better suited for standalone rural land uses or amalgamation with an adjoining rural lot.

It is to be noted that the Council's decision in this matter sets a precedent for other development in the locality. This is increasingly consequential given the relatively new Planning and Design Code provides greater scope for dwelling/residential proposals in the Rural Zone as they are largely Performance Assessed forms of development.

I am of the opinion that the proposed dwelling and purported ancillary farming, on balance, does not sufficiently accord to the applicable provisions and policies of the Rural Zone. The proposed farming activities are not of a scale or type that warrants a house on the land. The

# Northern Limestone Coast Regional Assessment Panel AGENDA FOR MEETING BEING HELD ON 10 February 2021

residential land use is in my view the primary use of the land and is fundamentally inappropriate when assessed against the applicable zone provisions of the Code and giving regard to the locality. Therefore, this proposal does not warrant the support of the Panel.

## GENERAL POLICIES

### Interface between Land Uses

#### DO1

**Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.**

I have already addressed the potential interface issues associated with the development of a dwelling on the subject and, and whilst I note these issues already occur to some extent in the locality, that of itself is no reason to continue to erode the viability of adjoining rural properties.

Interface issues include;

- poor land management practices on rural living land;
- introduction of dogs and vermin to the locality;
- impacts from noise arising from day to day farming practices;
- potential for odour, dust and overspray from adjoining rural properties; and
- potential to limit the development of adjoining land for intensive land uses.

The proposed dwelling accords to other applicable General Code policies relating to Design with the dwelling being modest and low scale in its design and scale; as well as Transport, Access and Parking; Clearance from Overhead Powerlines; and Infrastructure and Renewable Energy Facilities.

## 8.0 CONCLUSION

Having regard to the planning assessment above, the proposed development is considered to be an inappropriate development within the Rural Zone, and if approved will;

- Be at variance with the intent of the zone;
- Set an undesirable precedent for residential development being established within the locality;
- Have the potential to lead to land use conflicts; and
- Reduce the agricultural productivity of the land and land in the locality of the development.

**Northern Limestone Coast  
Regional Assessment Panel  
AGENDA FOR MEETING BEING HELD ON  
10 February 2021**

**RECOMMENDATION**

That Development Application 20001224 for the construction of a detached dwelling and ancillary farming activities at LOT 382 OLD CAVES RD, MOUNT LIGHT SA 5271 **is at variance** with the Planning and Design Code.

It is recommended the Development Assessment Panel **refuse** to grant Planning Consent to Development Application 20001224 for the construction of a detached dwelling and ancillary farming on the land at LOT 382 OLD CAVES RD, MOUNT LIGHT SA 5271, as the proposal is at variance with following Code provisions:

**Rural Zone**

Desired Outcome

DO1; DO2

Land Use and Intensity

PO 1.1

Dwellings

PO 5.1, PO 5.4

**General Section**

**Interface between land uses**

Interface between Land Uses [Interface with Rural Activities]

DO1; PO 9.1

# Northern Limestone Coast Regional Assessment Panel AGENDA FOR MEETING BEING HELD ON 10 February 2021

## 4.2 Application to Vary Condition 16: Approved Workers Accommodation 19 Gordon Street, Naracoorte – Development Application 20000507

Council is in receipt of an application to vary condition 16 of the approval granted for the above development.

Condition 16 relates to fencing and is reproduced below:

16. Prior to the issue of a certificate of occupancy the applicants shall erect, at the applicants cost, fencing with a minimum height of 1.8m to the following; the entire common boundary with 5 Pethick Street, the west facing boundary with 22 Foster Street, the entire common boundary with 16 and 16A Foster Street, 6 and 8 Loveday Street and the entire common boundary with 15 Gordon Street. Internal fencing proposed otherwise shall have a minimum height of 1.8m.

The reason for seeking the variation is set out in emails (2 of) from the applicant, copies of which are appended to this report.

It is understood that the applicants have been negotiating with adjoining landowners pursuant to the Fences Act 1975 to achieve the outcomes set out in condition 16.

It is understood that despite their best endeavours some of the adjoining landowners may be using the condition as a defacto means of delaying the final approval of the development.

The Planning, Development and Infrastructure Act and Regulations provide that an application, including conditions of consent can be varied after it is approved.

Section 128 of the Act and Regulation 65 set out the process for dealing with a variation.

Under the old Act and Regulations, a variation for a matter that was the subject of a representation in a Category 3 application involving full public consultation, would have had to have been re notified as a category 3 development.

This is not the case under the new Act.

The relevant legislation is reproduced below.

### Section

#### 128—Variation of authorisation

- (1) Subject to subsection (2), a person may seek the variation of a development authorisation previously given under this Act (including by seeking the variation of a condition imposed with respect to the development authorisation).
- (2) An application to which subsection (1) applies—
  - (a) may only be made if the relevant authorisation is still operative; and
  - (b) will, for the purposes of this Part, but subject to any exclusion or modification prescribed by the regulations and any other provision made by the regulations, to the extent of the proposed variation (and not so as to provide for the consideration of other elements or aspects



# **Northern Limestone Coast Regional Assessment Panel AGENDA FOR MEETING BEING HELD ON 10 February 2021**

- of the development or the authorisation), be treated as a new application for development authorisation; and
- (c) in a case where the development to which the development authorisation previously given was classified by the Planning and Design Code as restricted development—must also be dealt with as restricted development if any representations were made under section 110(2)(b), unless the Commission (as the relevant authority) determines that no such representation related to any aspect of the development that is now under consideration on account of the application for variation and that, in the circumstances, the level of notification and consultation envisaged by section 110 is not required; and
- (d) unless otherwise approved by the relevant authority, cannot seek to extend the period for which the relevant authorisation remains operative.

## **65—Variation of authorisation (section 128)**

- (1) For the purposes of section 128(2)(b) of the Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) and the relevant authority is satisfied that the variation is minor in nature—
  - (a) the relevant authority may approve the variation; and
  - (b) the request is not to be treated as a new application for development authorisation; and
  - (c) unless the variation is such that the result is an inconsistency with another consent, no further step need be taken in relation to a development approval already given (and no new approval needs to be given) but the relevant authority—
    - (i) must endorse the notice that was given for the original development authorisation, including by noting the date of the minor variation and the nature of the variation; and
    - (ii) must—
      - (A) make any consequential changes to any plans, drawings, specifications or other documents or information that were endorsed at the time that the original development authorisation was given, note the date of the minor variation, and make a further endorsement; or
      - (B) in the case of any new plans, drawings, specifications or other documents or information, note the minor variation and make an endorsement.

Nothing in subregulation (1) prevents a person seeking more than 1 variation of a development authorisation of a kind referred to in that subregulation (whether simultaneously or at different times).

Regulation 65 allows the Council to deal with the variation without need for a new application if the variation is considered minor.

There is no obligation under the above provisions to re-notify a variation unless the Council is of the view the variation is not minor.

# Northern Limestone Coast Regional Assessment Panel AGENDA FOR MEETING BEING HELD ON 10 February 2021

There is no direction in the Act or Regulations as to what might constitute a minor variation.

I have considered the issue and believe that the Panel may be able to consider a variation to be minor.

In this instance, the Panel imposed the condition in lieu of separate screening that was to be located entirely on the subject land and which would not have been the subject of any further negotiation with the adjoining landowners as is now required under the Fences Act.

In my original report on the development, I noted that I did not consider privacy to be a particular issue of concern.

An extract from my report is reproduced below.

*"I do not consider the overlooking from the subject land to be unreasonable. Firstly, the section of the subject land immediately adjoining the yards of the neighbouring houses is not expected to be used to any significant degree, secondly, the subject land has previously been used for activities that would have given rise to very much the same degree of overlooking, and, thirdly if privacy is an issue for the property at 22 Foster Street then appropriate fencing would largely resolve the issue. I note that the applicant has made provision for additional privacy screens at sensitive points, and landscaping, when established will assist in maintaining privacy between the proposed development and neighbours.*

*Further, the onus on maintaining privacy rests equally on adjoining neighbours to take steps to minimise overlooking from adjoining development.*

*Overall, I do not consider that the privacy of the adjoining houses has or will be unreasonably impacted by the proposed development and additional privacy measures can be established in consultation between landowners."*

The purpose of the condition is to enhance or increase the level of privacy between the development and the adjoining landowners.

I note the difficulty the applicants have been having in resolving the fencing issues and consider the variation request to be one that can be considered minor by the Panel on the understanding that the intent of the condition, as originally imposed on the development by the Panel can be achieved within a specified time frame.

By imposing a time frame on achieving the condition there is a set end date for compliance. The applicants have nominated amended wording of condition 16 as follows:

*"Within 6 months from the granting of consent applicants shall erect, at the applicants cost, fencing with a minimum height of 1.8m to the following: the entire common boundary with 5 Pethick Street, the west facing boundary with 22 Foster Street, the entire common boundary with 16 and 16A Foster Street, 6 and 8 Loveday Street and the entire common boundary with 15 Gordon Street. Internal fencing proposed otherwise shall have a minimum height of 1.8m."*

The specific variation alters the condition to allow 6 months from the granting of consent as opposed to it being required prior to the issue of a Certificate of Occupancy.

# Northern Limestone Coast Regional Assessment Panel AGENDA FOR MEETING BEING HELD ON 10 February 2021

The difficulty with the wording as proposed is that there are number of consents required for the approval and the condition does not specify which one.

My view is the Certificate of Occupancy is the final consent required to allow the development to be occupied by workers, as such, it is a suitably definitive trigger for a start point for the condition.

Rewording the condition will allow the developers to proceed with the development and will assist by ensuring that negotiations around replacement fencing under the Fences Act occur in the spirit of cooperation, noting that ultimate outcome will be to achieve a reasonable degree of privacy for adjoining landowners as sought by the original condition.

The applicants have subsequently requested a further variation to the condition which seeks that the cost burden be varied as follows.

proponent pays entirety of fence sheeting;  
split payment for any additional posts, rails and concrete.

Part of the problem with stipulating who pays for what is that in reality this is a matter for consideration and negotiation with the parties under the Fences Act.

I am comfortable with a variation to the condition that will require the applicant to pay for the fence sheeting. Issues around the condition of posts, rails etc are for negotiation between the parties under the Fences Act.

## **RECOMMENDATION**

1.0 That the Panel consider that the request for a variation to condition 16 attaching to development application approval 20000507 as being minor pursuant to section 128 of the PDI Act 2016.

2.0 That condition 16 be varied to read as follows:

16. Within 6 months of the issue of a certificate of occupancy, the applicants shall erect, at the applicants cost for fence sheeting only; fencing with a minimum height of 1.8m to the following: the entire common boundary with 5 Pethick Street, the west facing boundary with 22 Foster Street, the entire common boundary with 16 and 16A Foster Street, 6 and 8 Loveday Street and the entire common boundary with 15 Gordon Street. Internal fencing proposed otherwise shall have a minimum height of 1.8m.

**Northern Limestone Coast  
Regional Assessment Panel  
AGENDA FOR MEETING BEING HELD ON  
10 February 2021**

**5. Other Business**

**6. Meeting closed**

Meeting closed at



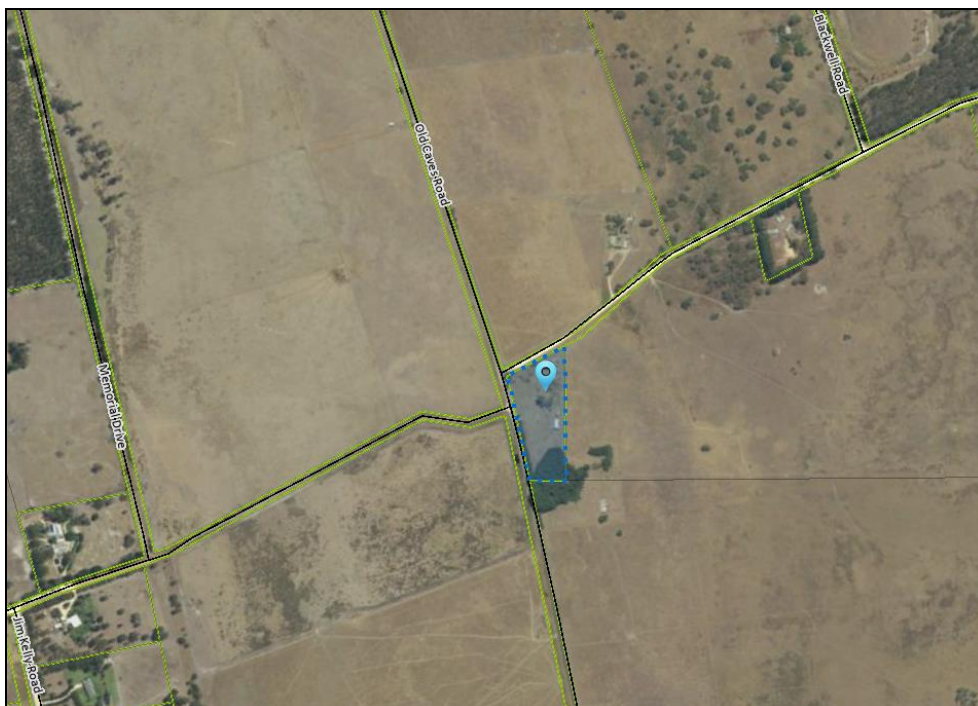
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m | 0418 838 152                      abn | 91 376 720 132

19 October 2020

## **PLANNING REPORT**

**Development Application for  
PAUL & ANGELA LEECH  
for the development of a  
DETACHED DWELLING  
at  
SECTION 382 in FP 205793  
OLD CAVES ROAD, MOUNT LIGHT  
in the area of the  
NARACOORTE LUCINDALE COUNCIL**



# CONTENTS

Page No.

---

1. Introduction.....	2
2. The Subject Land .....	2
3. Character of the Locality .....	7
4. Nature of the Proposed Development.....	9
5. Assessment of Planning Merit.....	11
5.1 Zone Performance Outcomes.....	12
5.2 General Development Policies .....	14
5.3 Overlays.....	18
6. Conclusion.....	22

## 1. Introduction

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This Planning Report has been prepared in relation to Development Application from Paul & Angela Leech (the Applicants) for the development of a detached dwelling at section 382 in Filed Plan 205793 Old Caves Road, Mount Light.

The Planning Report assesses the proposal with respect to the relevant provisions of the Planning & Design Code as they relate to the subject land.

The subject land is within the Rural Zone of the Planning & Design Code and in this Zone a dwelling is listed as a form of Performance Assessed development.

In preparing this Planning Report the proposed plans for the detached dwelling have been reviewed together with an on-site inspection of the subject land and immediate locality and a review of the relevant provisions of the Planning & Design Code.

It is our opinion that the proposed development of a detached dwelling on the subject land located in the Rural Zone is an appropriate form of development when assessed within the context of the prevailing character of the locality.

Accordingly, we are of the view that the proposed development is not seriously at variance to the provisions of the Planning & Design Code and warrants the granting of Development Plan Consent.

## 2. The Subject Land

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<p>Property Description</p>	<p>The subject land is section 382 in Filed Plan 205793 Old Caves Road, Mount Light and is contained in Certificate of Title Volume 5824 Folio 457.</p> <p>The subject land has an area of 1.62 hectares (or 4 acres) and is a slightly irregular rectangular shaped allotment. With relatively flat terrain, the subject land is located on the corner of Old Caves Road and Pistol Club Road. There are currently access gates from both roads to the subject site, however the main entrance is from Old Caves Road.</p> <p>The subject land is contained within 1 paddock, containing a recently constructed storage shed, and grazing land. The owners have recently been growing a small plantation of oak trees and currently trialling growing truffles on the site.</p> <p>A dwelling on the subject land described as a 'rubble stone cottage' has recently been demolished. This dwelling was previously Local Heritage Listed and has since been removed from the Heritage Register during a Council Development Plan Amendment in 2012.</p> <p>The existing dwelling was a stone/weatherboard cottage constructed in the 1890's, with the subject land previously utilised as a 'working man's block'. The term 'working man's block' as described in the previous heritage listing, was a common term used for small scale farming enterprises.</p> <p>Given their size, these types of allotments were not able to be utilised solely as a primary production enterprise, similar to the rural living style allotments currently seen today.</p>
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Photo 1 – aerial view of subject land



Photo 2 –view of subject land from the Old Caves Road entrance





Photo 3 – view of the subject land from the corner of Old Caves Road and Pistol Club Road



Photo 4 – view of the subject land from the corner of Old Caves Road and Pistol Club Road. The recently constructed shed can be viewed in the distance.

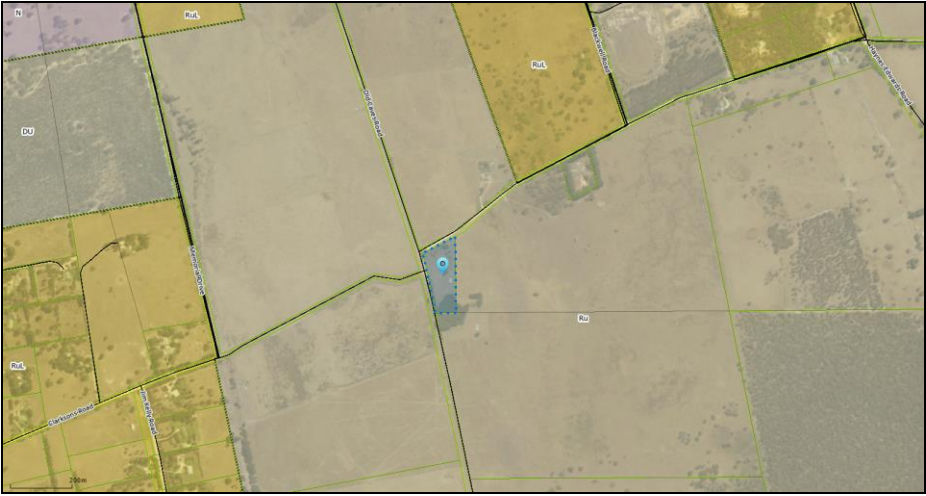


Photo 5 – view of the subject land from Pistol Club Road



Photo 6 – view of the subject land from Pistol Club Road, displaying one of the existing accesses and the boundary fence with the neighbouring property

<p>Certificate of Title</p>	<p>Certificate of Title Volume 5824 Folio 457. The site is not subject to any easements or notations.</p>
<p>Registered Owners</p>	<p>Paul Leech &amp; Angela Leech of 14 Third Avenue, Naracoorte.</p>

<p>Local Government</p>	<p>Naracoorte Lucindale Council</p>
<p>Relevant Legislation</p>	<p>Planning &amp; Design Code – Planning, Development &amp; Infrastructure Act 2016</p>
<p>Zoning</p>	<p>The subject land is located within the Rural Zone under the Planning &amp; Design Code.</p> <p>An extract of the Planning Zones from SA Property &amp; Planning Atlas (SAPPA) showing the location of the subject land is shown below.</p>  <p style="text-align: center;"> <span style="display: inline-block; width: 10px; height: 10px; background-color: #d3d3d3; border: 1px solid black; margin-right: 5px;"></span> Rural  <span style="display: inline-block; width: 10px; height: 10px; background-color: #ffff00; border: 1px solid black; margin-right: 5px;"></span> Rural Living         </p> <p style="text-align: center;">Zoning Extract from SAPPA</p>

### 3. Character of the Locality

Within the locality surrounding the subject land (within the Rural Zone), there is a mix of small primary production allotments (less than 40 hectares) that are used primarily for livestock (cattle & sheep) grazing.

To the north of the subject land is the Naracoorte Racing Course & Club. To the east of the along Pistol Club Road is the Naracoorte Pistol Club. The Pistol Club is located approximately 500 metres away from the subject land.

The aerial photograph below in Photo 7 illustrates the landuses existing in the locality surrounding the subject land within the Rural Zone.



Photo 7 – aerial photograph showing the landuses existing in the general locality around the subject land.

Within the Rural Zone, there are at least 4 dwellings located within a 1.5km range, sited on allotments less than 40 hectares.

These allotments are currently being utilised for rural living purposes or in conjunction with small scale primary production enterprises such as livestock grazing. These dwellings are shown on Photo 8 below.



Photo 8 – aerial photograph showing the 4 dwellings on allotments less than 40 hectares within 1.5 kilometres of the subject land.

To the north-east and also to the west of the subject land is the ‘rural living zone’. Within this zone, there are at least 30 dwellings as close as 750 metres from the subject land, on allotments as small as 2 hectares. These dwellings, and the zoning is shown in Photo 9 below.

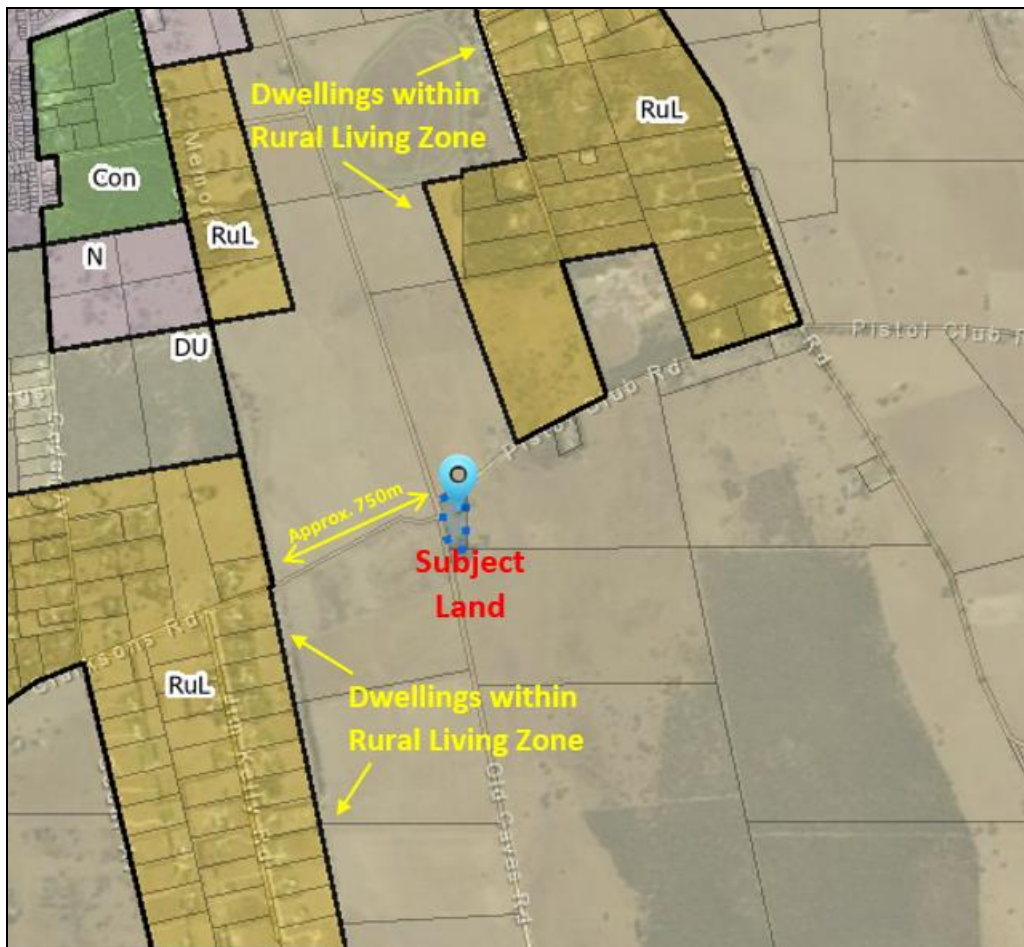


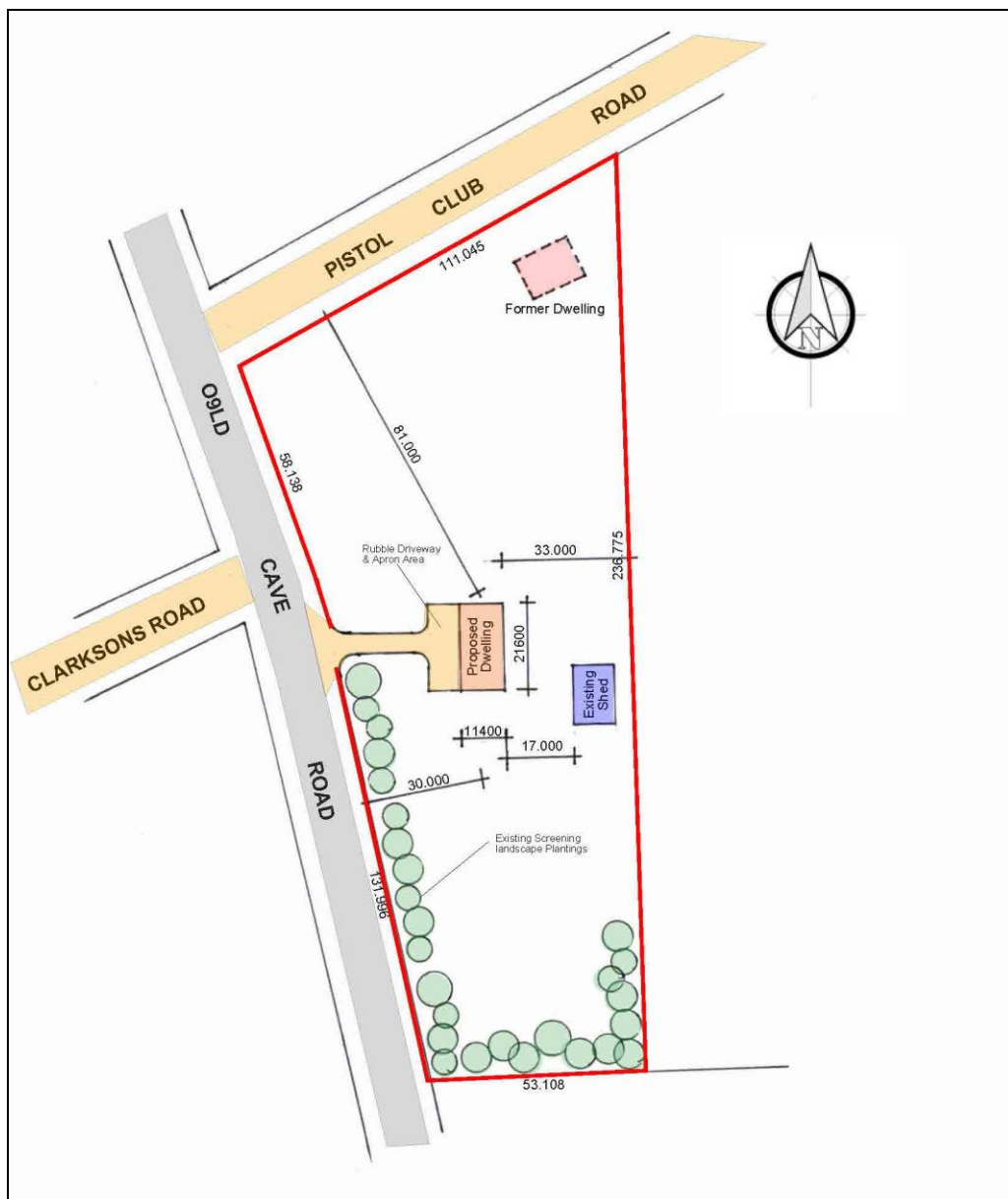
Photo 9 – aerial photograph showing the close proximity of the adjacent Rural Living Zone and the dwellings within this zone.

## 4. Nature of the Proposed Development

The proposed development seeks to construct a detached dwelling comprising the following major elements:

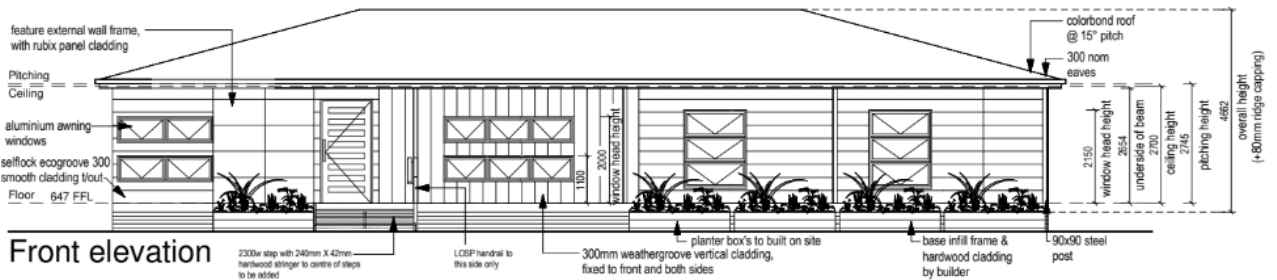
- A total floor area of 246.24 m<sup>2</sup>
- Transportable design with weatherboard cladding and a Colourbond roof
- 3 bedrooms. The master bedroom is serviced by a walk-in robe and en-suite bathroom
- A study/office, cinema room, lounge room, laundry and bathroom/toilet
- An open plan kitchen and meals/ dining room
- A hardwood verandah at the front of the dwelling
- Rainwater tanks are to be installed to provide water supply to the dwelling; and
- Access to the dwelling will be gained from Old Caves Road via the existing access gateway used to access the shed

Plan 1 below is an extract of the site plan showing the location of the proposed dwelling on the subject land.

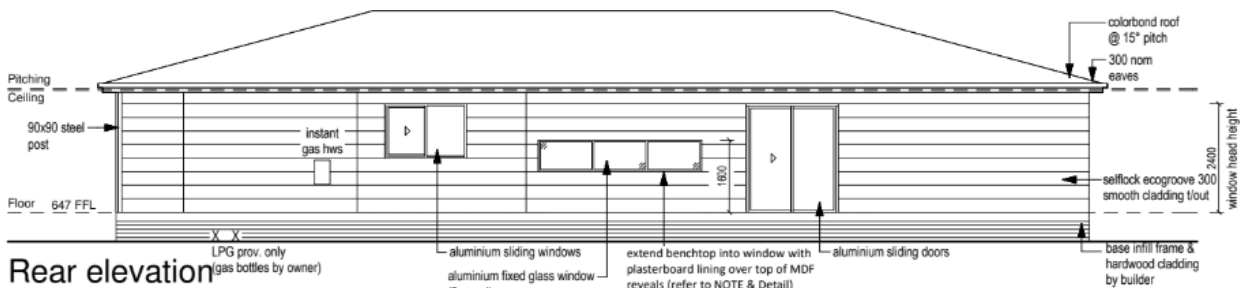


Plan 1 – an extract of the Site Plan showing the location of the proposed dwelling

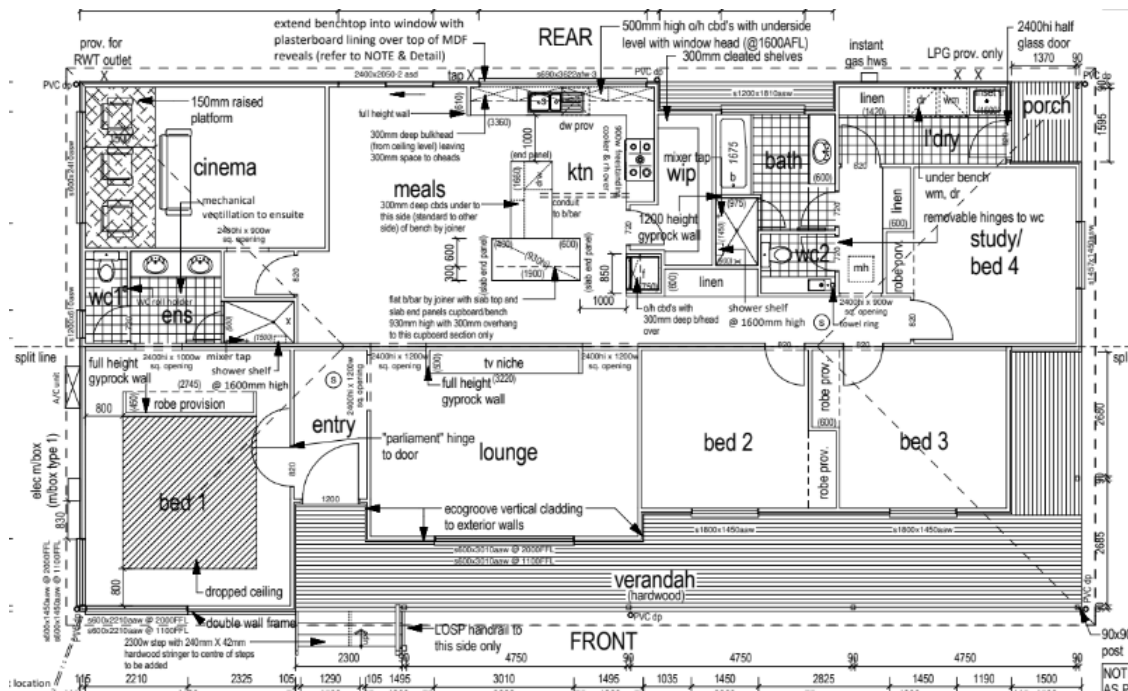
Elevations and the floor plan of the proposed dwelling are shown below on Plans 2-4.



Plan 2 – Western Elevation of Dwelling



Plan 3 – Eastern Elevation of Dwelling.



With no reticulated sewer or wastewater system available to the subject land the Applicant proposes to install an on-site wastewater disposal system to treat the wastewater generated from the dwelling and this will be subject to separate applications to Council.

No reticulated water supply is available to service the subject land and the Applicant proposes to use the existing groundwater bore and will install rainwater tanks to provide water to the dwelling.

## 5. Assessment of Planning Merit

The following is an assessment of the proposed development against the relevant Performance Assessed provisions of the Planning & Design Code as shown in the table below.

**Table 3 - Applicable Policies for Performance Assessed Development**

The following table identifies the policies that are applicable to the assessment of the identified Class of Development. Policies referred to are Performance Outcome policies, and any associated Designated Performance Features. Relevant Desired Outcomes are not listed, but automatically apply in relation to a Performance Assessed Development. Where a development comprises more than one Class of Development the relevant policies will be taken to be the sum of the applicable policies for each Class of Development.

Class of Development	Applicable Policies			
	Zone	General Development Policies	Subzone	Overlays
Detached dwelling (not in a battle-axe arrangement)	Land Use and Intensity PO 1.1  Siting and Design PO 2.1, PO 2.2  Dwellings PO 5.1, PO 5.4  Built Form and Character PO 10.1	Clearance from Overhead Powerlines PO 1.1  Design [All development [On-site Waste Treatment Systems]] PO 6.1  Design [All development [Earthworks and sloping land]] PO 8.1, PO 8.2, PO 8.3, PO 8.4, PO 8.5  Design [Residential development [Design of Transportable Dwellings]] PO 19.1  Infrastructure and Renewable Energy Facilities [Water Supply] PO 11.2  Infrastructure and Renewable Energy Facilities [Wastewater Services] PO 12.1, PO 12.2  Interface between Land Uses [Interface with Rural Activities] PO 9.1, PO 9.2, PO 9.3, PO 9.4, PO 9.5, PO 9.6, PO 9.7  Site Contamination PO 1.1  Transport, Access and Parking [Vehicle Access] PO 3.1, PO 3.5		Hazards (Bushfire - High Risk) Overlay [Land Use] PO 1.1  Hazards (Bushfire - High Risk) Overlay [Siting] PO 2.1  Hazards (Bushfire - High Risk) Overlay [Built Form] PO 3.1, PO 3.2  Hazards (Bushfire - High Risk) Overlay [Habitable Buildings] PO 4.1, PO 4.2, PO 4.3  Hazards (Bushfire - High Risk) Overlay [Vehicle Access -Roads and Driveways] PO 6.2  Native Vegetation Overlay [Environmental Protection] PO 1.1, PO 1.2, PO 1.4  Water Resources Overlay [Water Catchment] PO 1.1, PO 1.2, PO 1.5, PO 1.6, PO 1.7, PO 1.8



## 5.1 Zone Performance Outcomes

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### ***Land Use and Intensity***

*PO 1.1 – The productive value of rural land for a range of primary production activities and associated value adding, processing, warehousing and distribution is supported, protected and maintained.*

*DTS/DPF 1.1 – Development comprises one or more of the following land uses:*

- (i) Detached Dwelling*
- (j) Farming*

#### Assessment:

The proposed development of a detached dwelling is being undertaken in conjunction with the small scale farming activities undertaken on the subject land. It is also noted that the proposed dwelling is replacing an existing dwelling on the site, therefore there is no impact or disturbance to any primary production activities that can take place on the land.

A detached dwelling is a form of land use identified in Designated Performance Feature (DPF) 1.1.

### ***Siting and Design***

*PO 2.1 – Development is provided with suitable vehicle access.*

*DTS/DPF 2.1 – Development is serviced by an all-weather trafficable public road.*

*PO 2.2 – Buildings are generally located on flat land to avoid cut and fill and the associated visual impacts.*

*DTS/DPF 2.2 – Buildings:*

- (a) are sited on land with a slope not greater than 10% (1-in-10)*
- (b) do not result in excavation and filling of land greater than 1.5 metres from natural ground level.*

#### Assessment:

The proposed development will allow for the safe, convenient and efficient movement of traffic and provides all-weather access to and from Old Caves Road. The development of a detached dwelling on the subject land will not significantly increase the volume or type of vehicles entering and exiting the site and using the local road network. All driveways and curtilages to proposed dwelling will be of rubble construction and maintained to provide all weather access across the subject land.

The existing vehicular access to the subject land and servicing the proposed detached dwelling meets the requirements of Performance Outcome (PO) 2.1 and DPF 2.1.

The site of the proposed detached dwelling is flat, and its construction will not involve any cut and fill earthworks – this meets the requirements PO 2.2 & DPF 2.2.

### ***Dwellings***

*PO 5.1 – Residential development is ancillary to, and does not compromise, primary production.*

*DTS/DPF 5.1 – Dwellings:*

- (a) are located on an allotment with an area not less than: 40 hectares*
- (b) are located on and have a demonstrated connection with an allotment used for primary production or value-adding*

*(c) will not result in more than one dwelling on an allotment.*

*PO 5.4 – Dwellings are sited, designed and of a scale that maintains a pleasant rural character and amenity.*

*DTS/DPF 5.4 – Dwellings:*

*(a) are set back from all allotment boundaries by at least 40m*

*(b) do not exceed 2 building levels and 9 metres measured from the top of the footings*

*(c) have a wall height that is no greater than 6 metres.*

#### Assessment:

PO 5.1 & DPF 5.1 (a) provides a minimum allotment area for the development of dwellings in the Rural Zone of '40 hectares'. It is noted that while the subject land has a total area of 1.62 hectares, this is consistent with other types of development within the locality, and specifically the adjacent rural living zone. Given the small size of the subject land, the property is not suitable as a farm add-on / expansion property for the neighboring primary production properties in the area. It is also noted that the proposed dwelling is replacing a recently demolished dwelling, that has existed on the site since the 1890's.

The subject land has been utilised in the past for small scale livestock grazing and the owners are currently trialling growing truffles on the site with a small plantation of oak trees. It is considered that despite its relatively small area, the proposed dwelling will have a demonstrated connection with continued primary production activities over the land as envisaged by PO 5.1 & DPF 5.1(b).

The proposed detached dwelling will have a setback of approximately 30 metres from Old Caves Road and approximately 90 metres from Pistol Club Road. The dwelling is to be located in front of the recently constructed shed. While the setback of 30 metres is at minor variance to the specified '40 metre' criteria, these setback distances are considered appropriate given the size and dimensions of the subject land being just 1.62 hectares.

The proposed detached dwelling does not exceed 2 building levels and 9 metres from the top of the footings or have a wall height greater than 6 metres – these dimensions meet the requirements of DPF 5.4 (b) & (c) and PO 5.4.

#### ***Built Form and Character***

*PO 10.1 – Large buildings are designed and sited to reduce impacts on scenic and rural vistas by:*

*(a) having substantial setbacks from boundaries and adjacent public roads*

*(b) using low-reflective materials and finishes that blend with the surrounding landscape*

*(c) being located below ridgelines.*

#### Assessment:

The proposed development when completed will be of an appropriate standard and quality so not to be intrusive on the amenity of the locality or have a visual impact on the rural locality as envisaged by PO 10.1.

The proposed detached dwelling is to be constructed with weatherboard cladding on the walls, and a Colorbond custom orb roof. These materials and finishes are low-reflective and will blend in with the surrounding landscape as envisaged by PO 10.1 (b).

The proposed dwelling will have appropriate setbacks of 30 metres from Old Caves Road and 90 metres from Pistol Club Road, reducing the visual impact of the building from the local rural roads – this is as envisaged by PO 10.1 (a).

## 5.2 General Development Policies

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### **Clearance from Overhead**

*PO 1.1 – Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.*

*DTS/DPF 1.1 – One of the following is satisfied:*

- (a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996; or*
- (b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.*

#### Assessment:

A declaration has been provided to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996 as required by PO 1.1 and DPF 1.1 (a).

### **Design – On-site Waste Treatment Systems**

*PO 6.1 – Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.*

*DTS/DPF 6.1 – Effluent disposal drainage areas do not:*

- (a) encroach within an area used as private open space or result in less private open space than that specified in Design [Residential Development - Private Open Space] DTS/DPF 15.1*
- (b) use an area also used as a driveway*
- (c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking [Vehicle Parking Rates] DTS/DPF 5.1.*

#### Assessment:

The Applicant proposes to install an on-site wastewater disposal system to treat the wastewater generated from the dwelling and this will be subject to separate applications to Council which meet the requirements of PO 6.1.

### **Design – Earthworks and Sloping Land**

*PO 8.1 – Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.*

#### Assessment:

There will be no earthworks (excavation) associated with the proposed development.

### **Design – Residential Development (Design of Transportable Dwellings)**

*PO 19.1 – The sub-floor space beneath transportable buildings is enclosed to give the appearance of a permanent structure.*

*DTS/DPF 19.1*

*Buildings:*

- a) are not transportable*
- or*
- b) the sub-floor space between the building and ground level is clad in a material and finish consistent with the building façade*

Assessment:

As detailed in the attached elevation plans, the sub-floor space between the dwelling and ground level is to be clad in 'hardwood cladding' which will be complimentary to the weatherboard cladding on the walls; which will meet the requirements of DTS/DPF 19.1 (b).

**Infrastructure and Renewable Energy Facilities (Water Supply)**

*PO 11.2 – Dwellings are connected to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the intended use. Where this is not available an appropriate rainwater tank or storage system for domestic use is provided.*

*DTS/DPF 11.2 – A dwelling is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the development. Where this is not available it is serviced by a rainwater tank or tanks capable of holding at least 50,000 litres of water which is:*

- (a) exclusively for domestic use*
- (b) connected to the roof drainage system of the dwelling.*

Assessment:

There is no reticulated water scheme or mains water supply servicing the subject land. Existing groundwater (bore) and rainwater tanks will provide a dedicated water supply to the proposed detached dwelling. The rainwater tanks will be directly connected to the dwellings roof drainage system, with the capacity meeting the requirements of the 'Ministerial Building Standard MBS 008 – Designated bushfire prone areas'.

These water supply arrangements meet the requirements of PO 11.2 and DPF 11.2.

**Infrastructure and Renewable Energy Facilities (Wastewater Services)**

*PO 12.1 – Development is connected to an approved common waste water disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following:*

- (a) it is wholly located and contained within the allotment of the development it will service*
- (b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources*
- (c) septic tank effluent drainage fields and other waste water disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm.*

*DTS/DPF 12.1 – Development is connected, or will be connected, to an approved common waste water disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following:*

- (a) *the system is wholly located and contained within the allotment of development it will service; and*
- (b) *the system will comply with the requirements of the South Australian Public Health Act 2011.*

*PO 12.2 – Effluent drainage fields and other waste water disposal areas are maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.*

*DTS/DPF 12.2 – Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.*

**Assessment:**

The Applicant proposes to install an on-site wastewater disposal system to treat the wastewater generated from the dwelling and this will be subject to separate applications to Council which meet the requirements of PO 12.1 & DPF 12.1 and PO 12.2 & DPF 12.2.

***Interface between Lands Uses – Interface with Rural Activities***

*PO 9.1 – Sensitive receivers are located and designed to mitigate impacts from lawfully existing horticultural and farming activities, including spray drift and noise and do not prejudice the continued operation of these activities.*

*PO 9.2 – Not Applicable*

*PO 9.3 – Not Applicable*

*PO 9.4 – Not Applicable*

*PO 9.5 – Not Applicable*

*PO 9.6 – Not Applicable*

*PO 9.7 – Not Applicable*

**Assessment:**

The development of a detached dwelling on the subject land will be in conjunction with the small scale existing primary production activities undertaken on the subject land. The proposed dwelling does not pose a potential impact on the operation of the existing adjoining primary production enterprises in the locality which is generally for small scale primary production activities including livestock grazing.

The Pistol Club is located approximately 500 metres away from the subject land along Pistol Club Road. The Pistol Club has operated in this location for many years and has not been known to cause any disturbance to any of the existing dwellings located in close proximity to the club.

The proposed development of a detached dwelling on the subject land meets the requirements of PO 9.1.

***Site Contamination***

*PO 1.1 - Ensure land is suitable for sensitive land use and provides a safe environment.*

*DTS/DPF 1.1*

*Development where:*

- a) *the previous use or activity on the allotment was for residential purposes or*
- b) *the applicant is able to furnish, or the relevant authority is in possession of, a site contamination audit report under Part 10A of the Environment Protection Act 1993 to the effect:*

- i. that site contamination does not exist (or no longer exists) at the allotment*  
*or*
- ii. that any site contamination at the allotment has been cleared or addressed to the extent necessary to enable the allotment to be suitable for unrestricted residential use*  
*in circumstances where:*
  - iii. the applicant has indicated that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land (other than if the previous use or activity was for residential purposes)*  
*or*
  - iv. the relevant authority has reason to believe that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land (other than if the previous use or activity was for residential purposes)*  
*or*
- c) the allotment was the subject of consent granted under the Development Act 1993 or the Planning Development and Infrastructure Act 2016 on or after 1 September 2009 in relation the division of the land.*

**Assessment:**

There has been no known site contamination over the subject land, and the use of the land has previously been for residential purposes (existing dwelling) – consistent with PO 1.1 and DTS/DPF 1.1 (a).

***Transport, Access and Parking – Vehicular Access***

*PO 3.1 – Safe and convenient access minimises impact or interruption on the operation of public roads.*

*DTS/DPF 3.1 – The access is:*

- (a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land, or*
- (b) not located within 6m of an intersection of 2 or more roads or a pedestrian activated crossing.*

**Assessment:**

An existing access point is to be utilized to access the subject land, and the access is located more than 6m from the Old Caves Road/Pistol Club Road intersection.

*PO 3.5 – Access points are located so as not to interfere with mature street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.*

**Assessment:** Not Applicable.

## 5.3 Overlays

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### Hazards (Bushfire – High Risk)

DO 1 - 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:

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

DO 2 - Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk.

DO 3 - To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.

### Land Use

PO 1.1 – Development that significantly increases the potential for fire outbreak as a result of the spontaneous combustion of materials, spark generation or through the magnification and reflection of light is not located in areas of unacceptable bushfire risk

### Siting

PO 2.1 – Buildings and structures are located away from areas that pose an unacceptable bushfire risk as a result of:

- a) vegetation cover comprising trees and/or shrubs and/or unmanaged grasslands
- b) poor access
- c) rugged terrain
- d) isolated location (more than 600m from a public road)
- e) inability to provide an adequate asset protection zone
- f) inability to provide a suitable site for an adequate supply of water for firefighting purpose.

### Built Form

PO 3.1 – Buildings and structures are designed and configured to reduce the impact of bushfire through using designs that reduce the potential for trapping burning debris against or underneath the building or structure, or between the ground and building floor level in the case of transportable buildings and buildings on stilts.

PO 3.2 - Extensions to buildings, outbuildings and other ancillary structures are sited and constructed using materials to minimise the threat of fire spread to residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) in the event of bushfire.

### Habitable Buildings

PO 4.1 - To minimise the threat, impact and potential exposure to bushfires on life and property, residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited on the flatter portion of allotments and avoids steep slopes, especially:

- a) upper slopes
- b) narrow ridge crests and the tops of narrow gullies
- c) slopes with a northerly or westerly aspect.

PO 4.2 - Residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation):

- a) is sited away from vegetated areas that pose an unacceptable bushfire risk
- b) minimises the need to clear native vegetation.

DTS/DPF 4.2 - Development meets the following requirements:

- a) an asset protection zone with a minimum width of 100m already exists and can be maintained around the accommodation
- b) the asset protection zone is contained wholly within the allotment of the development.

PO 4.3 - Residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) has a dedicated area available that:

- a) is capable of accommodating a bushfire protection system comprising firefighting equipment and water supply in accordance with Ministerial Building Standard MBS 008 – Designated bushfire prone areas – additional requirements
- b) includes the provision of an all-weather hardstand area in a location that:
  - I. allows fire-fighting vehicles to safely access the dedicated water supply and exit the site in a forward direction
  - II. is no further than 6 metres from the dedicated water supply outlet(s).

### Vehicle Access & Driveways

PO 6.2 - Where the furthest point of the building from the nearest public road is greater than 30m, driveways are designed and constructed to:

- a) facilitate the safe and effective:
  - I. use, operation and evacuation of fire-fighting and emergency personnel
  - II. evacuation of residents
- b) avoid the unnecessary clearance of native vegetation.

DTS/DPF 6.2 - Driveways:

- a) do not require the clearance of native vegetation
- b) do not exceed 600m in length
- c) are constructed with a formed, all-weather surface
- d) are connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8)
- e) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway



- f) *have a cross fall of not more than 6 degrees (1-in-9.5) at any point along the driveway*
- g) *have a minimum formed width of 3m (4m where the gradient of the driveway is steeper than 12 degrees (1-in-4.5) plus 0.5 metres clearance either side of the driveway from overhanging branches or other obstructions, including buildings and/or structures (Figure 2)*
- h) *incorporate passing bays with a minimum width of 6m and length of 17m every 200m (Figure 6)*
- i) *provide overhead clearance of not less than 4m between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures (Figure 2)*
- j) *allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around driveway curves by constructing the curves with a minimum external radius of 12.5m (Figure 3)*
- k) *allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by incorporating at the end of the driveway either:*
  - I. *a loop road around the building*  
or
  - II. *a turning area with a minimum radius of 12.5m (Figure 4)*  
or
  - III. *a 'T' or 'Y' shaped turning area with a minimum formed length of 11m and minimum internal radii of 9.5m (Figure 5)*
- l) *incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes*

#### Assessment:

The subject land is located within a High Bushfire Risk area, and is therefore required to be referred to the South Australian Country Fire Service in accordance with Schedule 9 of the Planning, Development & Infrastructure (General) Regulations. Nonetheless, it is considered that the development of a dwelling does not pose an unacceptable bushfire risk as the property is well maintained with minimal vegetation. With direct access from both Old Caves Road and Pistol Club Road, there is adequate access for firefighting appliances to access the site during a bushfire event.

The siting of the dwelling on the subject land is on flat terrain and can be easily accessed from Old Caves Road. The design of the dwelling, ensures that there is minimal potential for burning debris to become trapped underneath the dwelling due to the base infill cladding at the base of the dwelling. The cladding and material used for construction of the dwelling is to comply with the Bushfire Attack Level (BAL) as determined by the South Australian Country Fire Service.

A dedicated water supply equipped for firefighting purposes is to be provided on the subject land in accordance with 'Ministerial Building Standard MBS 008 – Designated bushfire prone areas'. The water supply shall be in accordance with the specified BAL (Bushfire Attack Level).

It is considered the proposed the detached dwelling on the subject land will meet the requirements detailed in the Hazards (Bushfire – High Risk) DO-1 , DO-2 and DO-3.

#### **Native Vegetation**

DO 1 – *Areas of native vegetation are protected, retained and restored.*

PO 1.1 – *Development avoids, or where it cannot be practically avoided, minimises the clearance of native vegetation taking into account the siting of buildings, access points, bushfire protection measures and building maintenance.*

*DTS/DPF 1.1 – An application is accompanied by a declaration stating that the proposal will not, or would not, involve clearance of native vegetation under the Native Vegetation Act 1991.*

*PO 1.2 – Native vegetation clearance in association with development avoids the following:*

- (a) significant wildlife habitat and movement corridors*
- (b) rare, vulnerable or endangered plants species*
- (c) native vegetation that is significant because it is located in an area which has been extensively cleared*
- (d) native vegetation that is growing in, or in association with, a wetland environment.*

*PO 1.4 – Development enhances biodiversity and habitat values through revegetation.*

**Assessment:**

No native vegetation is to be cleared or impacted by the proposed development of a detached dwelling.

A declaration has been provided with the application to the effect the proposed development will not, or would not, involve clearance of native vegetation under the Native Vegetation Act 1991.

This meets the requirements of the Native Vegetation overlay DO 1.

***Water Resources***

*DO 1 - Protection of the quality of surface waters taking into account the projected reductions in rainfall and warmer air temperatures as a result of climate change.*

*DO 2 - Maintain the conveyance function and natural flow paths of watercourses to assist in the management of flood waters and stormwater runoff.*

*PO 1.1 - Watercourses and their beds, banks, wetlands and floodplains (1:100 AEP flood extent) are not damaged or modified and are retained in their natural state, except where modification is required for essential access or maintenance purposes.*

*PO 1.2 - Development avoids interfering with the hydrology or water regime of swamps and wetlands.*

*PO 1.5 - Development that increases surface water run-off includes a suitably sized strip of vegetated land on each side of a watercourse to filter runoff to:*

- a) reduce the impacts on native aquatic ecosystems*
- b) minimise soil loss eroding into the watercourse.*

***DTS/DPF 1.5***

*A strip of land 20m or more wide measured from the top of existing banks on each side of the watercourse is free from development, livestock use and revegetated with locally indigenous vegetation.*

*PO 1.6 - Development resulting in the depositing or placing of an object or solid material in a watercourse or lake occurs only where it involves any of the following:*

- a) the construction of an erosion control structure*
- b) devices or structures used to extract or regulate water flowing in a watercourse*
- c) devices used for scientific purposes*
- d) the rehabilitation of watercourses.*

*PO 1.7 - Watercourses, floodplains (1:100 AEP flood extent) and wetlands protected and enhanced by retaining and protecting existing native vegetation.*

*PO 1.8 - Watercourses, floodplains (1:100 AEP flood extent) and wetlands are protected and enhanced by stabilising watercourse banks and reducing sediments and nutrients entering the watercourse.*

**Assessment:**

There are no watercourses, floodplains or wetlands located within the locality that will be impacted by the construction of a dwelling on the subject land.

This meets the requirements of the Water Resources Overlay.

## 6. Conclusion

---

Having had regard to the relevant provisions of the Planning and Design Code relating to the subject land it is our view that the proposed development of a detached dwelling on the subject land demonstrates considerable planning merit.

In summary the following observations support this view –

**Zone Performance Outcomes:**

- A detached dwelling is a form of land use identified in Designated Performance Feature (DPF) 1.1.
- The existing vehicular access to the subject land and servicing the proposed detached dwelling meets the requirements of Performance Outcome (PO) 2.1 and DPF 2.1.
- PO 5.1 & DPF 5.1 (a) has a minimum allotment area of 40 hectares for the development of a dwelling within the Rural Zone. However, the construction of a dwelling on the subject land is consistent with other types of development within the locality, and specifically the adjacent rural living zone. It is also noted that the proposed dwelling is replacing a recently demolished dwelling over the subject land.
- As envisaged by PO 5.1 & DPF 5.1(b) the development of the proposed detached dwelling on the subject land has a direct connection with the small-scale primary production enterprises conducted thereon.
- The proposed setback distances for the dwelling, are at a minor variance to the requirements of PO 5.4 & DPF 5.4 but considered appropriate for the total area and dimensions of the subject land.
- The proposed detached dwelling is to be of an appropriate standard and quality so not to be intrusive on the amenity of the locality or have a visual impact on the rural locality as envisaged by PO 10.1.

**General Development Policies**

- An on-site wastewater treatment system will be provided to service the development that meets the requirements of PO 6.1; PO 12.1 and PO 12.2.
- A dedicated rainwater supply directly connected to the dwellings roof drainage system will be provided. These water supply arrangements meet the requirements of PO 11.2 and DPF 11.2.
- The development of a detached dwelling on the subject land will be in conjunction with the existing small-scale primary production activities undertaken on the subject land and does not pose a potential impact on the operation of the existing adjoining primary production enterprises in the general locality. The proposed development of a detached dwelling on the subject land meets the requirements of PO 9.1.

## Overlays

- The subject land is located within a High Bushfire Risk Area, however it is considered that the development of a dwelling does not pose an unacceptable bushfire risk as the property is well maintained with minimal vegetation and adequate all-weather access. The owner will be required to meet the conditions as specified by the South Australian Country Fire Service in accordance with the *Ministerial Building Standard MBS 008 – Designated bushfire prone areas*.
- There are no watercourses, floodplains or wetlands located within the locality that will be impacted by the construction of a dwelling on the subject land. This meets the requirements of the Water Resources Overlay.

## Conclusion

We submit that the proposed development of a detached dwelling on the subject land, while being a form of performance assessed development in the Rural Zone, is an appropriate form of development when assessed against the relevant provisions of the Planning and Design Code.

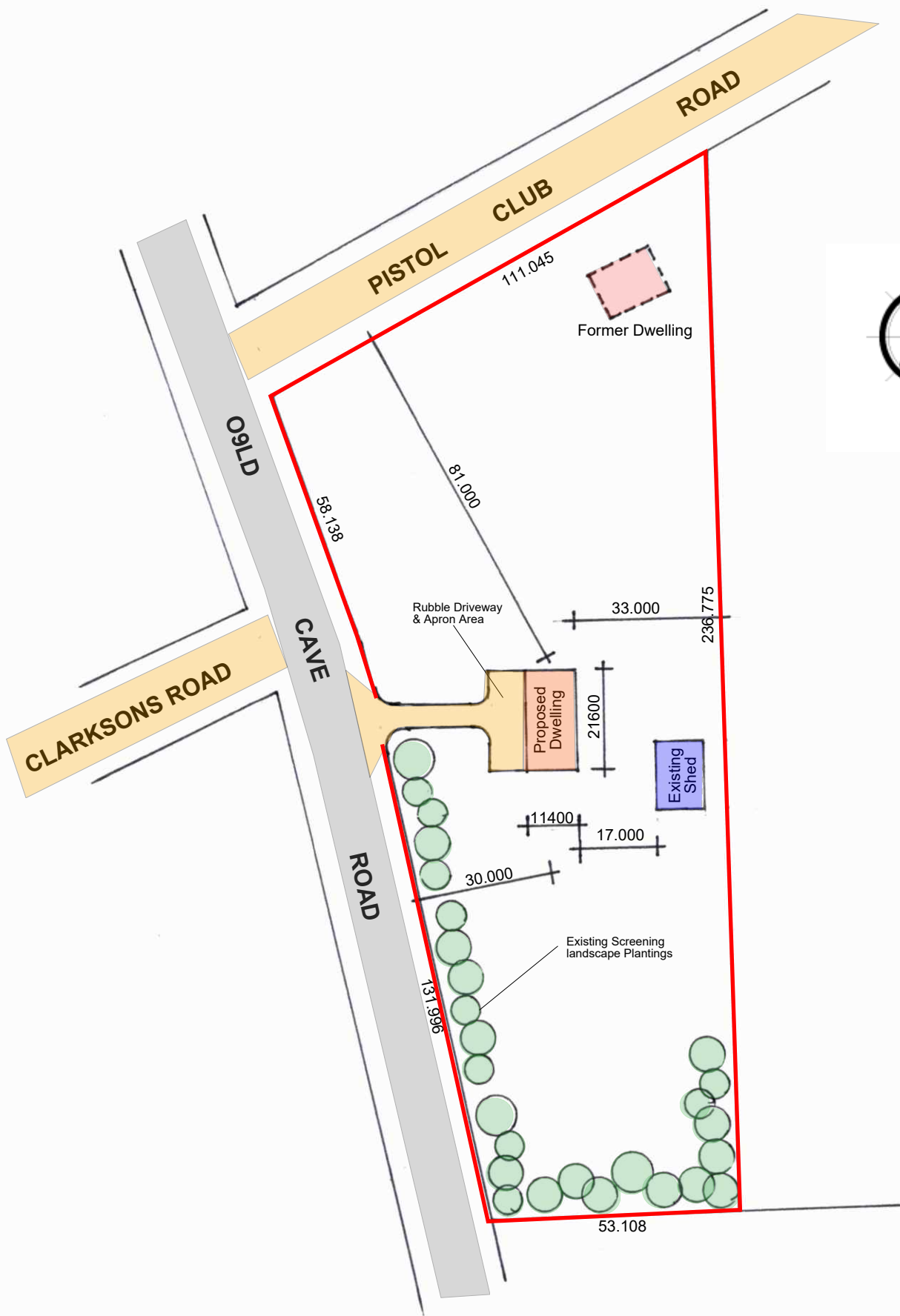
It is submitted that the development of the proposed detached dwelling on the subject land warrants the granting of Planning Consent.



Catherine Lyon  
Senior Planning Consultant  
**FRANK BRENNAN CONSULTING SERVICES**



# PAUL & ANGELA LEECH PROPOSED DWELLING SECTION 383, OLD CAVE ROAD, MOUNT LIGHT



## Site Plan Scale - 1 : 1250 (A3)

Original Sheet Size A3



A: 361 Mount Burr Road, MILLICENT SA 5280  
E: frank@fbc.com.au  
M: 0418 838 152

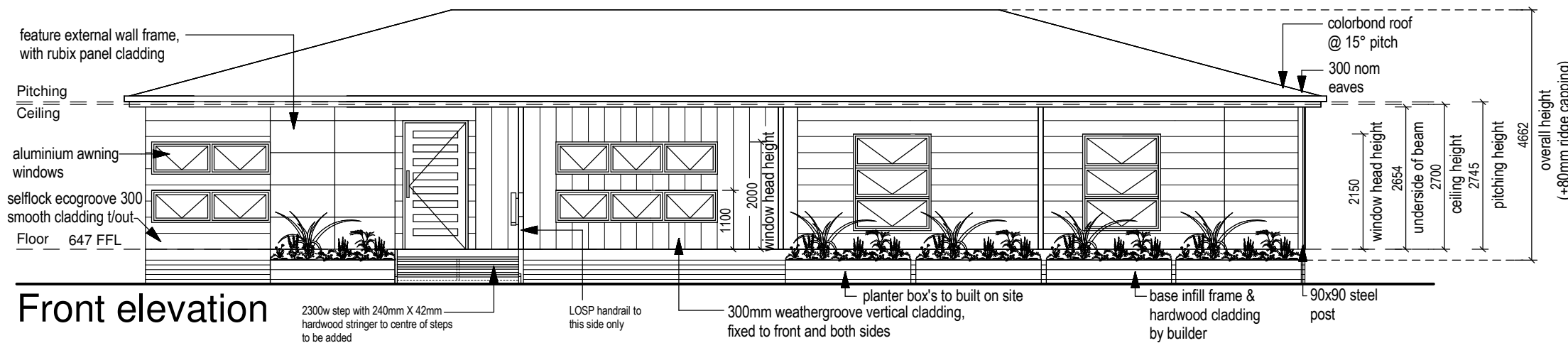
REF: fbc leech dwelling site plan 191020  
DWG NO.: 2020 - 187  
REVISION: v1-2  
SCALE: 1 ; 1250

THERMALOC® TO EXTERNAL WALLS & FLOOR

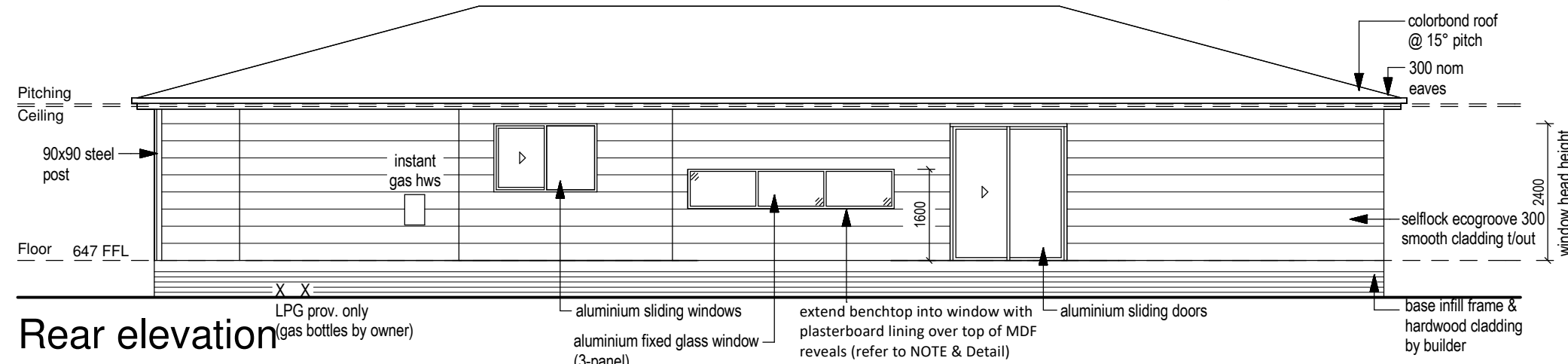


40 Barfield Crescent  
Edinburgh North SA 5113  
Ph. (08) 8282 7272 Fax. (08) 8282 7251  
A.B.N. 97 008 087 278

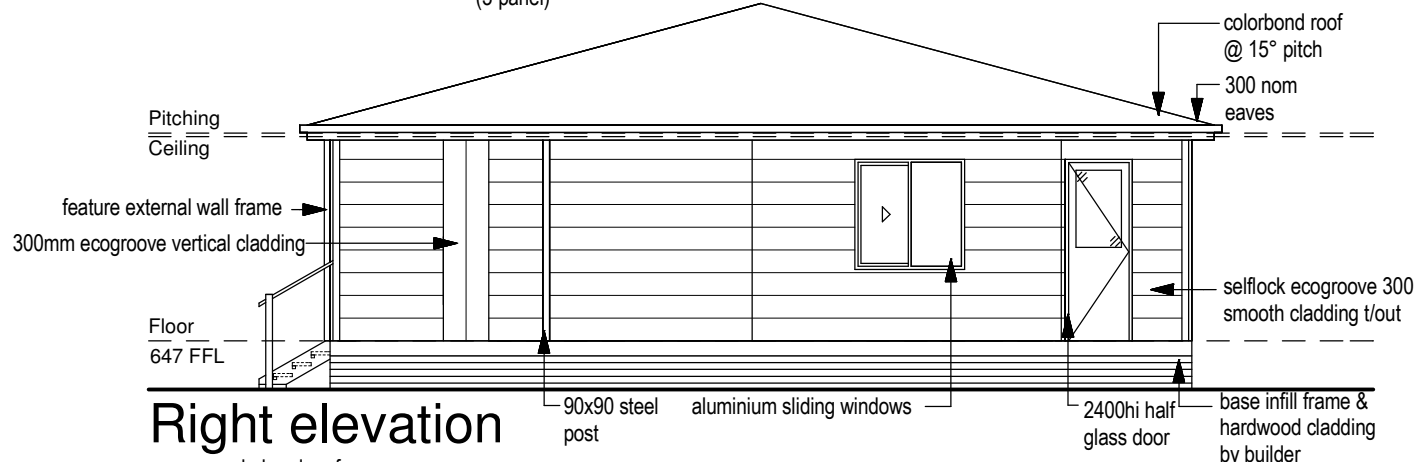
All steel framing to comply with Aust Standards AS 3623  
Roof Pitch subject to +/- 1 degree tolerance  
Refer to engineers report for all structural elements  
Control joints as specified by engineer defined by: CJ



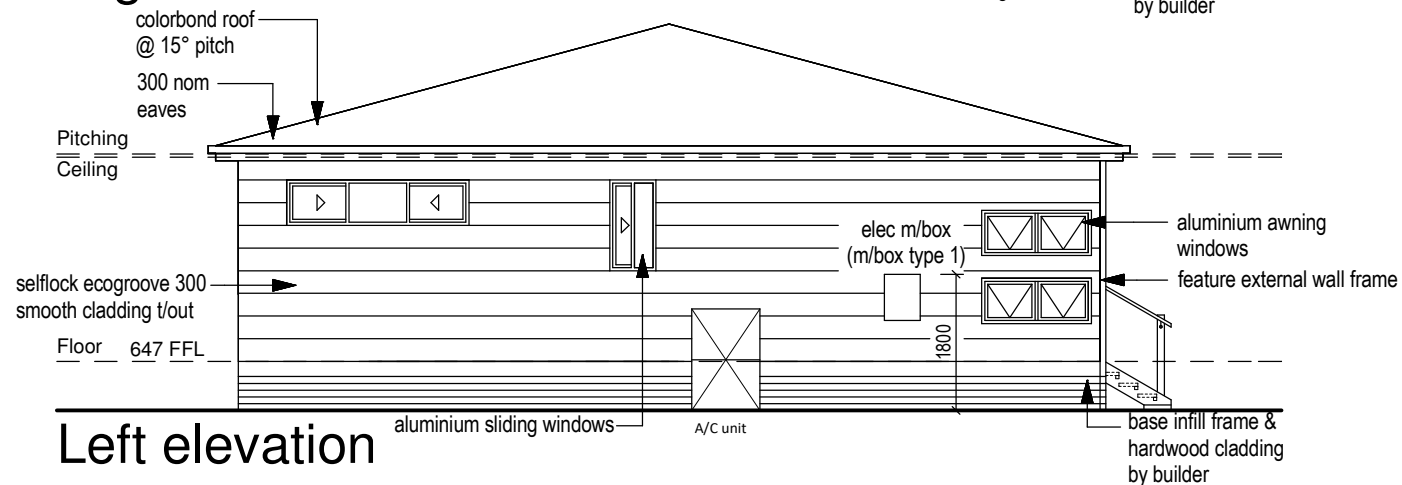
Front elevation



Rear elevation



Right elevation



Left elevation

Elevations

All Steel Transportables

ASTH

Job No. <b>31002</b>	Drawing No. <b>WD03</b>	Rev <b>G</b>
Areas - M2		Scale 1:100
Date 06-Apr-2016		
Drawn SF		
Total Sheet 08		
Checked		

Sales Rep:

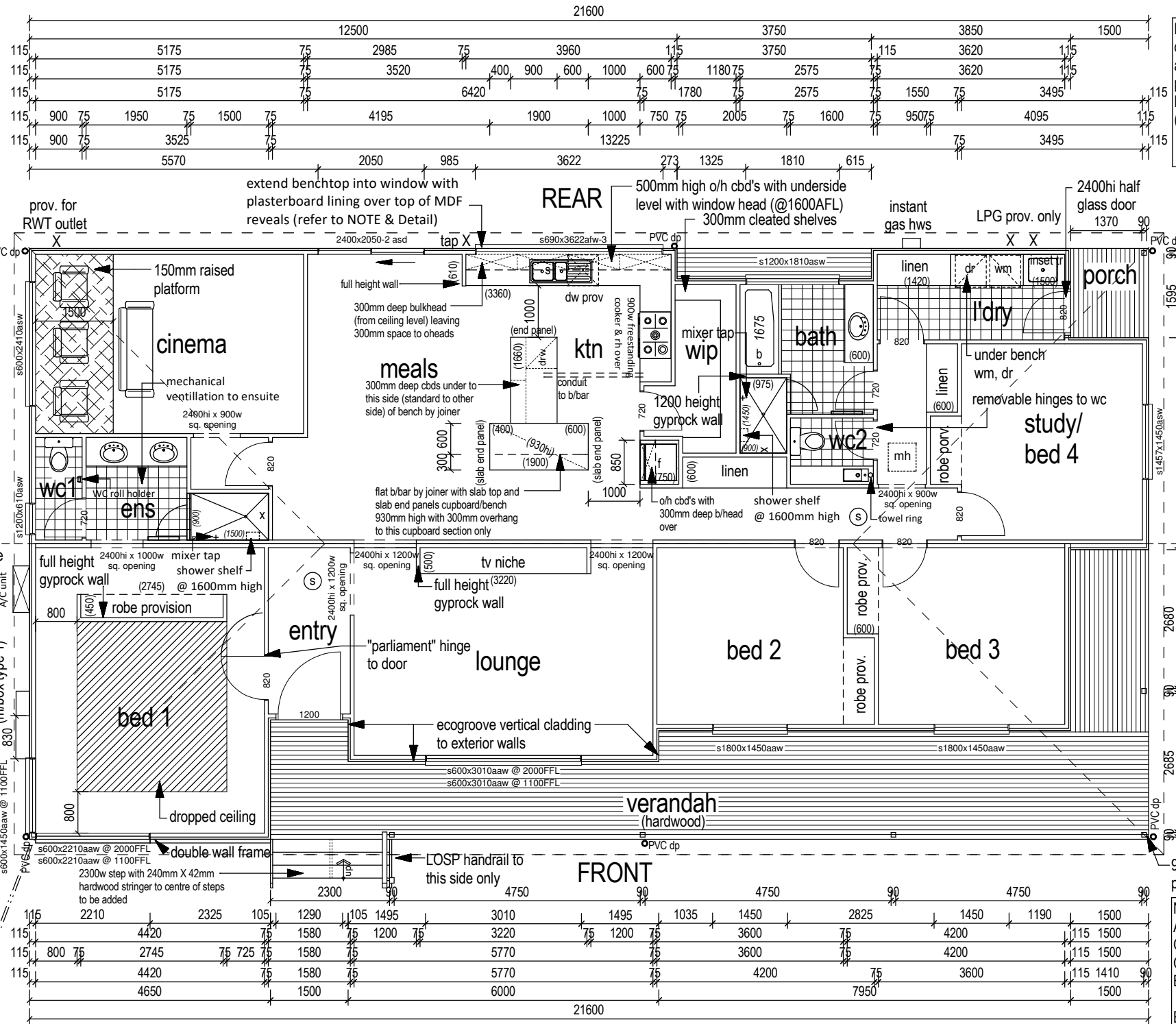
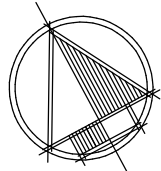
Amendments

Refer to Site or plan for full amendment listing  
E 17-08-16 MS framing changes req. alterations as per request MW (niches removed)  
F 24-11-16 MS Framing changes req. Alterations to Kitchen as per request 24-11-2016  
G 2017-07-04 MS - Updated to display build

Version No. 6.00.076 - 2

Do not scale drawings, dimensions take preference over scale. Contractors to verify dimensions prior to commencement of building work. These drawings are the exclusive property of the Weick Group of Companies. Any reproduction without written authority is prohibited.

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**DOWNPIPE NOTES:**  
downpipes shown on plan are nominal in location and may be moved in accordance with engineering plan or by the roofing contractor.  
**KEY:**  
○ dp (denotes downpipe as selected)  
○ dp standard downpipe  
○ PVC dp PVC downpipe



40 Barfield Crescent  
Edinburgh North SA 5113  
Ph. (08) 8282 7272 Fax. (08) 8282 7251  
A.B.N. 97 008 087 278

All steel framing to comply with Aust Standards AS 3623  
Roof Pitch subject to +/- 1 degree tolerance  
Refer to engineers report for all structural elements  
Control joints as specified by engineer defined by: ○ CJ

**NOTES:**  
HOUSE DESIGN - COLORADO  
SPECIFICATION - LIFESTYLE  
CLADDING TYPE - FEATURE TILE, WEATHERTEX  
ELFLOCK ECOGROOVE 300MM  
115 MM RIGID CELLULAR INSULATION TO EXTERNAL WALLS  
200MM RIGID CELLULAR INSULATION TO FLOOR PANELS  
R5.0 INSULATION BATTS TO CEILING

Window Manufacture	Dowell
Cladding Type	Colorbond
Roof Pitch	15
Eave Width	300
Ceiling Height	2700
Window Head Height	2400

Floor Plan - Ground

All Steel Transportables

ASTH

Job No.	31002	Drawing No.	WD02	Rev	G
Areas - M2		Scale	1:100		
Floor - Ground	203.94	Date	06-Apr-2016		
Veranda	37.52	Drawn	SF		
Porch	4.78	Total Sheet	08		
Total	246.24	Checked			

**Sales Rep:**  
**Amendments**  
Refer to Site or plan for full amendment listing  
E 17-08-16 MS framing changes req. alterations as per request MW (niches removed)  
F 24-11-16 MS Framing changes req. Alterations to Kitchen as per request 24-11-2016  
G 2017-07-04 MS - Updated to display build

Version No. 6.00.076 - 2

Do not scale drawings, dimensions take preference over scale. Contractors to verify dimensions prior to commencement of building work. These drawings are the exclusive property of the Week Group of Companies. Any reproduction without written authority is prohibited.

Plot Date 07/06/2019 11:40 AM C:\Users\gabriella.collicelli\Desktop\WD\_31002\_G.cad

**NOTES:**

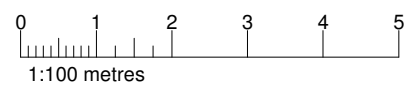
- TRANSPORTABLE SPLIT DESIGN
- 647 FFL
- TERMI-FLOORING
- STEPS BY BUILDER
- BASE INFILL FRAME & HARDWOOD CLADDING BY BUILDER
- 2400mm HIGH EXTERNAL AND INTERNDAL DOORS
- 90mm COVE CORNICE & 90mm SKIRTING
- SEPTIC SYSTEM BY OWNER
- L'DRY & BATH TO BE FITTED WITH SANITARYWARE WITH OVERFLOWS
- NO SETDOWNS TO WET AREAS
- TILED SHOWER WITH SCREED FROM HOB TO BATH/ENSUITE
- SPLIT SYSTEM REVERSE CYCLE A/C BY BUILDER

**GENERAL NOTES**

- X tap - external wall mounted taps
- mh - man hole to be trimmed on site (position is nominal only)
- S - hard wired smoke detector with battery back up
- multiple smoke detectors to be interconnected
- laundry troughs adjacent sliding doors to have min. 150mm gap.
- weather seals to external doors by builder

**KITCHEN WINDOW**

- EXTEND BENCH TOP INTO WINDOW (NO BOTTOM REVEAL)
- EXTEND UNDERSIDE OF OVERHEAD CUPBOARDS INTO WINDOW (MDF REVEALS TO BE SHORTENED BY 10mm)
- GYPROCK LININGS OVER TOP OF MDF REVEALS (MDF REVEALS TO BE SHORTENED BY 10mm)
- EXTEND END PANELS OF JOINERY INTO WINDOW WHEN SPECIFIED (MDF REVEALS TO BE SHORTENED BY 10mm)
- NO TIMBER ARCHITRAVES



**NOTE: 1000 LITRE MIN RAINWATER TANK AS PER COUNCIL REQUIREMENTS OR AS OTHERWISE NOTED WITH PUMP & CHANGE OVER DEVICE, CONNECTED TO ONE WC BY OWNER**

**BUILDER TO ALLOW FOR FIRST FIX PLUMBING PROVISION FOR A SEPERATE RAINWATER RUN PLUMBED TO ONE WC & A MAINS WATER POINT FOR CHANGE OVER DEVICE**

## **Attachment**

### **Email requests for variation of condition 16**



## David Hutchison

---

**From:** Anthony Gatti <a.gatti@intro.com.co>  
**Sent:** Monday, 1 February 2021 11:56 AM  
**To:** David Hutchison; Paul McRostie  
**Cc:** Jaryd Dawson; Tony & Marian Dawson  
**Subject:** Re: DA 20000507 19 Gordon St, Naracoorte - Proposed Variation to Condition 16

Thanks for the confirmation David,

If we are going back to the panel, can you please request that the condition be worded to accommodate a joint payment of the fence:

The proponent is proposing that payment is broken down in line with the following:

- proponent pays entirety of fence sheeting;
- split payment for any additional posts, rails and concrete.

Kind Regards,

Anthony Gatti  
+61 402 424 403

---

**From:** David Hutchison <hutch@accessplanning.com.au>  
**Sent:** Friday, 29 January 2021 10:32 AM  
**To:** Anthony Gatti <a.gatti@intro.com.co>; Paul McRostie <Paul.McRostie@nlc.sa.gov.au>  
**Cc:** Jaryd Dawson <jaryddawson@hotmail.com>; Tony & Marian Dawson <amdawson@bigpond.com>  
**Subject:** RE: DA 20000507 19 Gordon St, Naracoorte - Proposed Variation to Condition 16

Hi Anthony et al

As the condition was placed on the application by the Panel your request will have to be reconsidered by them.

There is a Panel meeting scheduled for the 10<sup>th</sup> February.

David

*David Hutchison*



**ACCESS PLANNING (SA) PTY LTD**  
235 Henley Beach Road  
TORRENSVILLE SA 5031  
Phone: **(08) 81307222**  
Mobile **0418832334**  
Facsimile: **(08) 81307299**  
Email : [hutch@accessplanning.com.au](mailto:hutch@accessplanning.com.au)

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**From:** Anthony Gatti <a.gatti@intro.com.co>

**Sent:** Thursday, 28 January 2021 3:36 PM

**To:** Paul McRostie <Paul.McRostie@nrc.sa.gov.au>

**Cc:** David Hutchison <hutch@accessplanning.com.au>; Jaryd Dawson <jaryddawson@hotmail.com>; Tony & Marian Dawson <amdawson@bigpond.com>

**Subject:** DA 20000507 19 Gordon St, Naracoorte - Proposed Variation to Condition 16

Dear Paul,

I am writing to formally request Council vary Condition 16 for the Development Authorisation no 20000507.

Condition 16 states:

*Prior to the issue of a certificate of occupancy the applicants shall erect, at the applicants cost, fencing with a minimum height of 1.8m to the following; the entire common boundary with 5 Pethick Street, the west facing boundary with 22 Foster Street, the entire common boundary with 16 and 16A Foster Street, 6 and 8 Loveday Street and the entire common boundary with 15 Gordon Street. Internal fencing proposed otherwise shall have a minimum height of 1.8m.*

I propose that it is varied to (my underlining):

*Within 6 months from the granting of consent applicants shall erect, at the applicants cost, fencing with a minimum height of 1.8m to the following; the entire common boundary with 5 Pethick Street, the west facing boundary with 22 Foster Street, the entire common boundary with 16 and 16A Foster Street, 6 and 8 Loveday Street and the entire common boundary with 15 Gordon Street. Internal fencing proposed otherwise shall have a minimum height of 1.8m.*

I am requesting that this change occurs pursuant to Regulation 65 (Section 128) of the PDI Act and Regulations.

Can you please advise of Councils acceptance of the proposed condition.

Kind Regards,

**ANTHONY GATTI**  
SENIOR PLANNING ADVISOR

Activating human space

**INTRO Covid-19 Information**

As of 23.03.20 we would like to advise that INTRO are working from both home and office, and using Microsoft Teams for all future meetings. We are all contactable via mobile and email, however our landline may not be serviced during this time depending on staff arrangements. INTRO will continue to provide a full service to all our clients, should you have any concerns please contact us to discuss.

**A.GATTI@INTRO.COM.CO**

**T** +61 (0)8 8410 0453

**M** +61 402 424 403

**INTRO ARCHITECTURE PTY LTD** | LEVEL 11 144 WAYMOUTH STREET  
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