

AGENDA

Limestone Coast Southern Regional Assessment Panel Thursday 20 February 2025



I hereby give notice that a Limestone Coast Southern Regional Assessment Panel will be held on:

Time: 5:00 pm
Date: Thursday 20 February 2025
Location: Council Chamber
District Council of Grant
324 Commercial Street West, Mount Gambier

Tracy Tzioutziouklaris
ASSESSMENT MANAGER
13 February 2025

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1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

Nil

3 CONFIRMATION OF MINUTES

3.1 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Limestone Coast Southern Regional Assessment Panel Meeting held on 19 December 2024 be confirmed as an accurate record of the proceedings of the meeting.

4 QUESTIONS WITHOUT NOTICE

5 INVITEES

Invitees for Item 6.1 - 2 Sturt Street, Mount Gambier

The Representor - Mr Sam Considine

The Applicant - Mr Frank Brennan, Frank Brennan Consulting Services

Invitees for Item 6.2 - Lot 634 Sherwin Road, Mil-Lel

The Representor - Stacey and Andrew Paltridge

The Representor - Leith Robson

The Representor - James Gilham

The Representor - Marijan Tos

The Applicant - Frank Brennan, Frank Brennan Consulting Services

Invitees for Item 6.3 - 269 Square Mile Road, Yahl

The Representor - Sam McCracken

The Applicant - Frank Brennan, Frank Brennan Consulting Services

6 REPORTS

6.1 DA 24038952 - 2 STURT STREET, MOUNT GAMBIER - HOTEL

Author: Tracy Tzioutziouklaris, Manager Development Services (City of Mount Gambier)
Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24038952 - 2 Sturt Street, Mount Gambier - Hotel' as presented on Thursday 20 February 2025 be noted.
2. It is recommended that the Limestone Coast Southern Regional 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 24038952, by Frank Brennan Consulting Services is granted Planning Consent subject to the following conditions:
 1. The development shall be carried out in accordance with the Plans as approved and with the conditions of consent.
 2. The carparking, driveway areas and footpath crossover as shown on the approved plans shall be graded, paved and sealed with bitumen or other similar material and line marked in accordance with the relevant Australian Standard prior to the occupation of the building and maintained in a useable condition at all times.
 3. All loading and unloading of motor vehicles shall be conducted on the subject land.
 4. The stormwater to be directed to Council's stormwater drainage system shall not exceed 20l/s and the Applicant shall make satisfactory arrangements with Council in relation to the disposal of storm water and surface drainage, which may involve connection to existing street drain and incorporate an inspection/access pit, at the Applicants expense.
 5. A stormwater treatment device shall be installed, to ensure that all surface run off, stormwater, or other liquid, discharging from the site is equal to or better than the water quality of the underground aquifer so as to not pollute the underground aquifer.
 6. Landscaping shall be established in accordance with the Plan as approved and shall incorporate the use of established trees and shrubs, if available or such variations to the landscaping design, numbers and selection of species as may be requisite to meet the conditions of availability at the relevant time and be maintained in good health and condition.
 7. All waste and refuse shall be contained within the proposed building or alternatively a screened holding place for waste materials and refuse containers shall be provided and maintained on the site of the development at all times with the waste and refuse removed on a regular basis.
 8. Any lights on the subject land must be directed and screened so that overspill of light into nearby premises is avoided and drivers are not distracted.
 9. The advertising signs shall be maintained in a state of good repair and tidy condition at all times.
 10. The building and surroundings shall be maintained in a state of good repair and tidy condition at all times.

DEVELOPMENT NO.:	24038952
APPLICANT:	Frank Brennan Consulting Services
ADDRESS:	2 Sturt Street, Mount Gambier
NATURE OF DEVELOPMENT:	Partial Demolition of existing ancillary structures and construction of a four storey hotel (no restaurant or bar facilities) and associated carparking & landscaping
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Urban Activity Centre <p>Overlays:</p> <ul style="list-style-type: none"> • Advertising Near Signalised Intersections • Local Heritage Place • Native Vegetation • Prescribed Wells Area • Urban Transport Routes • Water Protection Area <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 12m) • Maximum Building Height (Levels) (Maximum building height is 3 levels)
LODGEMENT DATE:	21 Nov 2024
RELEVANT AUTHORITY:	Regional assessment panel/Assessment manager at Limestone Coast Southern Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.20 7/11/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Tracy Tzioutziouklaris Manager Development Services
REFERRALS NON-STATUTORY:	Ian Hamilton, Heritage Adviser

DETAILED DESCRIPTION OF PROPOSAL

The subject site is irregular in shape and is located on the corner of Sturt Street and Bay Road, Mount Gambier. The subject site also has road frontage to Heriot Street, Mount Gambier. The subject site is approximately 1.3 hectares in area.

The proposed development involves the construction of a four (4) storey hotel building as stage 1 of the overall redevelopment of the subject site. The overall masterplan for the subject site will involve the construction of an office building, multistorey residential apartments, and a precinct plaza with shared carparking.

The proposed development is to be constructed within the north eastern corner of the allotment within the existing carpark area, with the proposed new building to be constructed directly adjacent to the RSL Building. Carparking is to be located to the rear of the proposed building, with vehicular access to the carparking area via the existing driveway and crossover directly adjacent to the existing building.

The development proposed within this application includes:

- demolition of ancillary structures, including the existing entry structure and two outbuildings,

- the construction of a four (4) storey hotel building, 14.2 metres high, 28.37 metres wide by 58.5 metres long, having a total floor area of 1680 square metres,
- will have a setback of approximately 2.5 metres to Sturt Street,
- the ground floor is to comprise of the reception/lobby, conference room, business lounge, cleaner's room, guest laundry, office, staff room and amenities, plant room and associated services room,
- floors two to four are to contain 26 suites on each level consisting of 10 x 1 bedroom apartments, 13 studio suites, 2 x 2 bedroom suites and 1 accessible suite – a total of 82 dual key rooms/guest rooms,
- the facilities to support the accommodation includes a gym and alfresco BBQ area on the ground floor. No restaurant or bar facilities is included as part of this development,
- the carpark to service the hotel will comprise of 65 carparking spaces, including undercroft carparking spaces with two spaces being designated accessible spaces,
- lighting is proposed in the carpark for safety and security of hotel patrons,
- a new double with vehicular access point is proposed in the same location as the existing crossover access, with a driveway providing connection to the carparking spaces,
- landscaping is to be established within the front setback area and the rear of the carpark and will consist of a mixture of trees and shrubs,
- stormwater will be managed with a combination of discharge to on site drainage bores and to the street, and
- commercial bins will be stored within the carparking area and not visible from the public realm with collection by a private contractor.

BACKGROUND

The subject site is irregular in shape with street frontage to Bay Road, Sturt Street and Heriot Street, Mount Gambier. The subject site was previously used as a service trade premises and retail outlet/bulky goods/hardware store. The building located on the corner of Bay Road and Sturt Street, is a Local Heritage place with the extent of the listing including:

“Significant external form and materials of 1882 stone flour mill including five bays of two storey limestone walling to Sturt Street and seven bays of two storey stonework and six bays of single storey stonework to Bay Road. The walls are constructed in rock faced dolomite with dressed limestone dressings.”

The dolomite walls have been painted in the corporate colours of the previous tenant.

The Local Heritage Place is not included as part of Stage 1 of the overall development and is not part of this Development Application. The proposed development is to be constructed within the existing carpark of the hardware store.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 2 Sturt Street, Mount Gambier

Locality

Bay Road is a road under the care and control of the Commissioner of Highways. Sturt Street, which the development has frontage to and vehicular access from is a local road under the care and control of the City of Mount Gambier.

The land is relatively flat, with a number of trees located within the existing carpark area. These trees are not native vegetation.

The subject site is located wholly within the Urban Activity Centre Zone, with the Employment Zone and Business Neighbourhood Zone located directly to the south of the subject land.

Nourish Nook, a wellness/fitness centre is located immediately to the south of the subject site, the RSL, Child and Family Health Service and AC Care are located immediately to the east of the subject site.

The Rail trail/bike path is located to the south of the subject site which provides a buffer between the subject site and other development located to the south.

Macs Hotel, the public library and the Civic Centre/Sir Robert Helpmann Theatre are located to the norther of the subject site, and a range of offices and commercial buildings are located to the west of the subject site.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Demolition

Hotel: Code Assessed - Performance Assessed

Partial demolition of a building or structure: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code; A hotel is not identified as an Accepted, Deemed to Satisfy or Restricted Form of Development within the Urban Activity Zone, therefore the development will be assessed through the Performance Assessed pathway

PUBLIC NOTIFICATION

- **REASON**

Any development proposed to be greater than 3 storeys is not exempt from public notification. The application was publicly notified and three (3) representations were received at the conclusion of the public notification period.

- **SUMMARY**

The issues raised within the representations is summarised as follows:

- | | |
|-----------------------------|---|
| 1. Supports the development | The development will be great for the city provides quality accommodation in the Central Business District and will attract visitors to locally owned shops |
| 2. Supports the development | Supports the scale of the building
Is essential for growth
Unusual there is no bar or restaurant |
| 3. Opposes the development | No reason given |

The Applicant has responded to the representations with no comment as two of the submissions are in support of the proposed development and one representation is opposed to the development but does not provide an commentary supporting their position.

AGENCY REFERRALS

The Application was not required to be referred to the Commissioner of Highways as the development does not involve the creation of a new access point to/on a State Maintained Road or within 25 metres of an intersection with any such road.

INTERNAL REFERRALS

As a Local Heritage Place is located on the subject land the application was referred to Council's Heritage Adviser, who raised the following concerns:

- It is a formulaic, chain hotel design that has no relationship to local context
- The entrance off Sturt Street is small and anonymous. It should be more distinctive
- There is no attempt at ground floor level to create any activation with the street
- There is no attempt to acknowledge the Local Heritage Place, or the articulated detail of historic traditional hotels in Mount Gambier

The Applicant has provided a response from John Byleveld Architects and Dash Architects addressing the heritage issues raised by Council. This response is attached to this report for Members information and perusal, and in summary the response is as follows:

Issue 1 - It is a formulaic, chain hotel design that has no relationship to local context

Applicant Response

The design is far from generic and has been composed to reflect Mount Gambier's historical architecture and a City coming of age.

Issue 2 - The entrance off Sturt Street is small and anonymous. It should be more distinctive

Applicant Response

The entrance design incorporates deliberate architectural and landscape design strategies to make it distinctive and inviting, ensuring a clear and prominent presence along Sturt Street which contributes positively to the streetscape.

Issue 3 - There is no attempt at ground floor level to create any activation with the street

Applicant Response

The proposed development activates the ground floor and engages with the street through a number of design measures which demonstrates a commitment to creating a lively, human scaled streetscape.

Issue 4 - There is no attempt to acknowledge the Local Heritage Place, or the articulated detail of historic traditional hotels in Mount Gambier

Applicant Response

The proposed design carefully acknowledges and complements the adjacent Local Heritage Place through a number of strategies. The design establishes a respectful dialogue between the old and new, celebrating the Local Heritage Place's important while delivering a modern, context sensitive addition to Sturt Street.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

Question of Seriously at Variance

The proposed development comprises the demolition of two outbuildings and the construction of a four storey Hotel within the Urban Activity Zone. Development of this nature is appropriate within the site, locality or in the subject Urban Activity Centre Zone for the following reasons:

- The Zone envisages a broad spectrum of businesses, shopping, entertainment and recreational facilities that can cater for large crowds and smaller social gatherings and events over extended hours.
- A hotel is a form of land use anticipated to occur within this Zone.
- The development helps to promote after hours use within the City Centre

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.

There are two primary areas where there are concerns with the proposed development which are:

1. The proposed development is four storeys and 14.2 metres in height which exceeds the maximum 3 storeys and 12 metres in height; and
2. There are conflicting opinions in the potential for impact on the Local Heritage Place located on the subject land.

Land Use

The Urban Activity Centre Zone envisages a range of land uses to provide a comprehensive range of goods and services to the City and the region with a hotel/tourist accommodation types of land uses envisaged within the Zone. The development of a multi storey hotel also provides one way of reinforcing the city centre as a focus of social activity particularly after hours.

The Planning and Design code also identifies non residential uses on the ground floor to achieve a vibrant and interesting streetscape with residential development on upper levels. The development as proposed contains the non residential type activities on the ground floor, with the residential type of development on the upper levels.

The built form of the development is to integrate with existing development through building scale, connections and complementary land uses. Whilst the built form of the proposed development is higher than surrounding development, the scale of the building is considered appropriate. There are a number of two storey buildings within the subject locality, including the Sir Robert Helpmann Theatre building which has a building height of 21.75 metres. The floor area of the proposed building is not significantly larger than the surrounding development.

The carparking area is located to the rear of the building, which will be accessible via a two way vehicle movement driveway.

Building Height

The building height of the proposed building is to be 14.2 metres and will be four storey's. The Planning and Design Code identifies the maximum building height within the Zone is to be 12 metres, and a maximum of 3 storeys.

Whilst the building has an additional storey, the maximum overall building height is only 2.2 metres higher than the maximum building height identified. It is noted, within the subject locality two existing buildings exceed the maximum building height, being the Civic Centre/Sur Robert Helpmann Theatre at 21.75 metres and the Anglican Church at 18.3 metres. There are also a number of two storey buildings within the subject locality being Mac's Hotel, 18-20, 22 and 24 Bay Road, The Elders Building at 9 Bay Road, the SGIC Building at 11 Helen Street and the Local Heritage Building on the subject site itself.

The development as proposed is considered appropriate and is not significantly out of character with the scale of buildings within the subject locality.

There is one building within the City of Mount Gambier which is greater than 3 storeys, being the former nurses home building on Lake Terrace East, Mount Gambier which is in a visibly dominate location. The proposed siting of this development is in a location where the building height will not be as much as a dominant form of development as the former nurses home building.

It is noted the building height provision is one provision within the Planning and Design Code which is applicable in the assessment of this application and the Panel must determine what weight it gives this requirement in the assessment of the application.

Setbacks, Design & Appearance

The setback of the proposed development is considered compatible with surrounding development and is appropriate. Many buildings within the surrounding locality and within the zone are generally built with no setback to the street. The setback as proposed enables a variety of elements and design features to be incorporated into the development to minimise the impact of the multi storey building on the street frontage.

The building has been designed using a number of elements to provide interest to the building and contribute positively to the urban environment through articulation, materials, colour and massing. The building also provides opportunities for passive surveillance of the public realm. Landscaping has also been incorporated into the development to improve the presentation of the building to the street. The building is considered to positively contribute to the character of the local area by responding to local context.

Building services, plant and mechanical equipment, including waste storage areas are to be located behind the building and will not be visible from the street.

Heritage

The proposed development is located on the site of a Local Heritage Place. The proposed development is to be located to the east of the Local heritage Place, with the driveway providing access to the development to be located between the heritage building and the proposed building. The new building will not impede or block the views of the Local Heritage Place, with the proposed building being setback to help maintain the prominence of the Local Heritage Building on the subject site.

The proposed development does not involve any alterations or additions to the Local Heritage Place.

There are two conflicting responses received from Council's and the Applicant's Heritage Architects in respect to the potential impact of the proposed development on the Local Heritage Place. Both of the advice provided has been attached to this report for the Panel Members information and consideration.

It is acknowledged the development will have some impact on the locality and the context within which the Local Heritage Place is sited, but the development is a standalone building adjacent to the heritage place and has incorporated some design features and elements of scale from the old building into the new. The development is consistent with boundary setbacks and setting, materials and colour and does not conceal or obstruct the Local Heritage Place.

Traffic Impact, Access and Parking

The carparking area is located at the rear of the building and is not visible from the public realm. Vehicular access to the subject site will be via Sturt Street which is a local road maintained by the City of Mount Gambier. Vehicular access and egress will be primarily by one access point, with vehicles able to enter and exit the carparking area by left hand turning. Vehicles are also able to

enter and exit the site in a forward motion at all times and is of a sufficient width to provide for simultaneous two way vehicle movements.

Some changes to the public realm along Sturt, in front of the development have been identified. These changes will be further negotiated with Council separate to the assessment of the Development Application. The Development will still be able to proceed regardless of the negotiated position achieved regarding the requested changes to the public realm.

The Planning and Design Code identifies for Tourist Accommodation, other than a caravan and tourist park, carparking is to be provided at a rate of 1 car parking space per accommodation/guest room. Based on 82 guest rooms, 82 carparking spaces are to be provided on site. As part of the development, a carpark comprised of 65 spaces has been proposed. This represents a shortfall of 67 carparking spaces. There is room on the site of the development to provide additional carparking.

It is also proposed to provide spaces for 4 Bicycles to be parked on site.

As identified within the Traffic and Parking report provided by CIRQA room occupancy's are expected to not exceed 90% with peak parking rates not exceeding 0.8 spaces per room key issued. The forecast peak parking occupancy has been identified as 60 carparking spaces. Whilst there is a shortfall in carparking spaces provided on site, the carparking provided is considered acceptable.

Stormwater Management

It is proposed some stormwater will be disposed off on site via stormwater drainage bores to the underground aquifer and to Council's street stormwater system, which also includes stormwater drainage bores to the underground aquifer.

Any stormwater generated should ensure the quality of stormwater discharged to a drainage bore is of the same or better quality than the water contained within the underground aquifer.

Waste water will be disposed of via the SA Water sewer system.

General Comments

No native vegetation is located on the subject site and the development will not impact and the development will be serviced by SA Water sewer and water supply.

Signage

The advertising signage is minimal and is considered to be complementary to the building design, with signage being incorporated on the building to provide easy identification of the hotel. All advertising signage are to be flush with a wall, with one sign attached to the front entrance canopy. No signage will be attached to the roof of the building.

The advertising signage will not disfigure the building or land with which they are associated or the character and amenity of the subject locality.

CONCLUSION

There are two primary areas where there are concerns with the proposed development which are:

1. The proposed development is four storeys and 14.2 metres in height which exceeds the maximum 3 storeys and 12 metres in height; and

2. There are conflicting opinions in the potential for impact on the Local Heritage Place located on the subject land.

When considering the design and siting of the proposed development and the form and character of development within the subject locality the proposed number of storeys and height of the building are considered acceptable. When viewing the development from street level, the impact of the building between a 3 storey and 4 storey building is considered negligible. Whilst being a 4 storey building, the height of the building exceeds the maximum building height by 2.2 metres. This is not considered to be a significant variance to the maximum building height allowed.

There are concerns the development may dominate and detract from the Local Heritage Place. The development is consistent with boundary setbacks and setting, materials and colour and do not conceal or obstruct the Local Heritage Place. The Local Heritage Place will remain the dominate visual building element when viewing the corner of the subject site.

Having had regard to all of the relevant provisions of the Planning and Design Code, on balance the development is not seriously at variance to the Planning and Design Code and warrants the granting of Planning Consent subject to appropriate conditions.

INVITES

The Representor - Sam Considine

The Applicant - Frank Brennan, Frank Brennan Consulting Services

ATTACHMENTS

1. Application Snapshot - DA 24038952 - 2 Sturt Street [6.1.1 - 4 pages]
2. Certificate of Title - DA 24038952 - 2 Sturt Street [6.1.2 - 2 pages]
3. Applicant - Planning Report - DA 24038952 - 2 Sturt Street [6.1.3 - 20 pages]
4. Architectural Plans - DA 24038952 - 2 Sturt Street [6.1.4 - 40 pages]
5. Demolition Report - DA 24038952 - 2 Sturt Street [6.1.5 - 2 pages]
6. Stormwater Management Plan - DA 24038952 - 2 Sturt Street [6.1.6 - 17 pages]
7. Traffic and Parking report - DA 24038952 - 2 Sturt Street [6.1.7 - 24 pages]
8. Acoustic report - DA 24038952 - 2 Sturt Street [6.1.8 - 28 pages]
9. Local Heritage Adviser Comments - December - DA 24038952 - 2 Sturt [6.1.9 - 2 pages]
10. Heritage Adviser - Markup of flour mill elevation - DA 24038952 [6.1.10 - 1 page]
11. Heritage Adviser - markup of proposed north elevation [6.1.11 - 1 page]
12. Local Heritage Adviser Comments - DA 24038952 - 2 Sturt Street [6.1.12 - 2 pages]
13. Applicant Response - Local Heritage Issues - DA 24038952 - 2 Sturt Street [6.1.13 - 39 pages]
14. Representations - DA 24038952 - 2 Sturt Street [6.1.14 - 3 pages]
15. Response to Representations - D A 24038952 - 2 Sturt Street [6.1.15 - 1 page]
16. Zoning Map - DA 24038952 - 2 Sturt Street [6.1.16 - 1 page]
17. Planning and Design Code extract - DA 24038952 - 2 Sturt Street [6.1.17 - 115 pages]

6.2 DA 24030384 - LOT 634 SHERWIN ROAD, MIL-LEL - CONSTRUCTION OF A RENEWABLE ENERGY FACILITY

Author: Trudy Glynn, Planning Officer (District Council of Grant)

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24030384 - Lot 634 Sherwin Road, Mil-Lel - Construction of a Renewable Energy Facility' as presented on Thursday 20 February 2025 be noted.
2. That the Limestone Coast Southern Regional Assessment Panel pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, resolve that the application is NOT seriously at variance with the Planning and Design Code for the following reasons:
 - (a) The proposed land use is not prejudicial to the Desired Outcome of the Rural Zone.
 - (b) The identified departures from the Planning and Design Code are not considered to be 'important or grave.'

The proposed development does not represent a grave departure from the Planning and Design Code zone for the purpose of the Seriously at Variance assessment under Section 107(2)(c) of the Act, given that the Rural Zone contemplates a range of renewable energy facilities, with the proposal being a Solar Farm with BESS which supports the desired outcome of the zone being '*the generation of energy from renewable sources*'.

3. That the Limestone Coast Southern Regional Assessment Panel resolve that:
 - (a) Pursuant to Section 107 (2) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
 - (b) Development Application Number 24030384, by Frank Brennan Consulting Services, that planning consent is granted subject to the following conditions:

CONDITIONS**Condition 1**

The development must be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted for Development Application 24030384, except where varied by the following conditions and/or where changes are required to comply with the National Construction Code of Australia or relevant Australian Standards and Codes.

Condition 2

Any security lighting associated with the development must be shielded and/or adjusted, so as not to create nuisance to adjacent owners and occupiers, or to road users.

Condition 3

All exterior surfaces of the solar panels shall be:

Of new, non-reflective materials; and

Maintained in good and reasonable condition at all times

Condition 4

Landscaping shall be undertaken in accordance with 'Landscape Plan – DWG NO: LP01 – dated 12/12/24' within six (6) months from the date of this approval.

Condition 5

Existing Tree/shrub planting and proposed landscaping is to be maintained and/or enhanced where necessary, with prompt replacement of any trees/shrubs that may die to maintain a landscaped screen to adjoining landowners.

Condition 6

Appropriate weed hygiene methods should be implemented as part of a Construction and Operational Environmental Management Plan (COEMP) to reduce the spread of weeds at the site and the ongoing threat of weed establishment.

Condition 7

The Road Dilapidation Report (including photographs) for pre and post construction project, must also include 'high- definition' video footage of the Sherwin Road/Attamura Road intersection and continue footage to the property entrance on Sherwin Road.

Condition 8

The construction of the driveway entrance to internal access road will need to comply with Council's Policy - *WKSPOL 15 - Design, Construction & Development of Infrastructure Assets (Points 5.1, and 5.2)*, which can be found on Council's website at https://www.dcgrant.sa.gov.au/data/assets/pdf_file/0032/417398/Design,-Construction-and-Development-of-Infrastructure-Assets-Policy-WKSPOL15-2-May-2022.pdf

Condition 9

Before any new driveway access point or rectification road works can be installed or undertaken, the developer must submit a '*Section 221 – Authorisation to Alter a Public Road*', which must be completed and submitted along with relevant plans for the approval of Council's Director of Works and Infrastructure or their delegate prior to commencement of any works. This form can be found on Council's website at https://www.dcgrant.sa.gov.au/data/assets/pdf_file/0017/1080521/WKS007-Authorisation-to-Alter-a-Public-Road-Sec-221-FINAL.pdf

Condition 10

Noise levels are not to exceed those specified by the Environment Protection Authority in its '*Environment Protection (Commercial and Industrial Noise) Policy 2023*'.

Condition 11

All vehicles shall enter and exit the site in a forward direction during the construction phase and any future maintenance periods.

<p>Condition 12</p> <p>The operators of the Mil-Lel Solar Farm shall remain contactable at all times during the operation of the approved use, on a telephone number which must be displayed on the sign at the driveway entrance to the subject land.</p> <p>Condition 13</p> <p>The subject land and all improvements thereon shall be maintained in a state of good, tidy and attractive repair and condition at all times to the reasonable satisfaction of Council.</p> <p>ADVISORY NOTES</p> <p><u>Planning Consent</u></p> <p>Nil</p>

DEVELOPMENT NO.:	24030384
APPLICANT:	Frank Brennan Consulting Services
NATURE OF DEVELOPMENT:	Construction of a Renewable Energy Facility (4.98 MW) incorporating solar panel array, battery energy storage system (BESS), medium voltage power station (MVPS - including inverter, switchgear and transformer), fire water tank, securing fencing and gates, landscaping and ancillary equipment.
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Rural <p>Overlays:</p> <ul style="list-style-type: none"> • Dwelling Excision • Hazards (Bushfire - High Risk) • Hazards (Flooding - Evidence Required) • Limited Land Division • Native Vegetation • Prescribed Wells Area • Water Protection Area <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Finished Ground and Floor Levels (Minimum finished ground level is 1.85m AHD; Minimum finished floor level is 2.1m AHD) • Minimum Dwelling Allotment Size (Minimum dwelling allotment size is 20 ha)
LODGEMENT DATE:	24 Sept 2024
RELEVANT AUTHORITY:	Regional Assessment Panel/Assessment manager at Limestone Coast Southern Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.17 – Operational from 12 September 2024 to 25 September 2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes – Six (6) adjoining landowners notified Five (5) representations received
RECOMMENDING OFFICER:	Trudy Glynn Planning Officer
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

DETAILED DESCRIPTION OF PROPOSAL

A Development Application was lodged with Council seeking planning consent for the *'Construction of a Renewable Energy Facility (4.98 MW) incorporating solar panel array, battery energy storage system (BESS), medium voltage power station (MVPS - including inverter, switchgear and transformer), fire water tank, securing fencing and gates, landscaping and ancillary equipment'*.

The 4.98 MW Solar Farm, BESS and associated infrastructure will cover approximately 11 ha (11,000 m²) and the fenced area surrounding the development is approx. 13 ha (13,000 m²) of the 16.19 ha (16,190 m²) allotment.

The proposed development is for a Solar Farm (Renewable Energy Facility) comprising the following elements:

- Solar photovoltaic (PV) modules/panels on a single axis tracking system
- BESS
- Medium voltage power station (MVPS) including inverter, switchgear and transformer
- Connection to the existing electricity distribution line traversing the site, operated by SA Power Networks
- Internal above and below ground alternating (AC) direct current and (DC) cabling for electrical reticulation
- Site access
- All-weather unused internal road and turning/laydown areas
- Minimum 10 metre wide defendable space around the perimeter of the solar farm, managed as an Asset Protection Zone (APZ)
- Water tank for fire-fighting purposes
- Security fencing and gates
- Landscaping
- Other ancillary equipment (e.g. Ring Main Unit, auxiliary transformer, storage container combiner boxes, earthing system, meteorological station etc.)

Access to the proposed development is from an all-weather trafficable driveway to Sherwin Road, Mil-Lel.

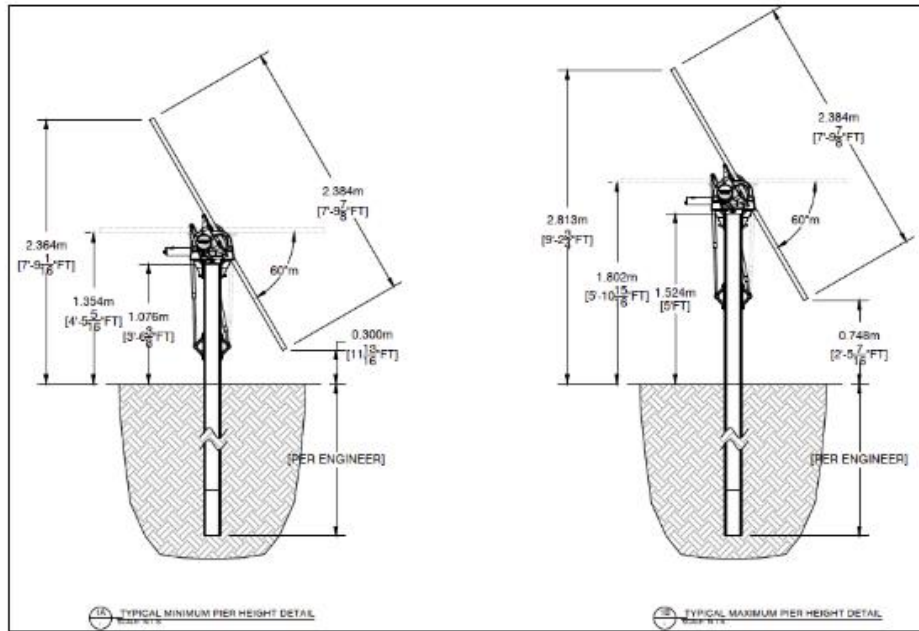
The construction period is approximately 6-9 months. Post construction, the site will be rarely accessed, approximately 4-10 times per year by standard private vehicles.

As stated in Mr Brennan's Planning Report, the Solar Farm Array comprises the following:

Solar Panel Array

The solar farm will consist of arrays mounted to a single axis solar tracker, that is ground mounted by way of piling or concrete ballast.

Elevation of a traditional array is shown below.



The arrays are installed in a north-south direction and are connected to a single axis tracking system, that enables them to rotate east to west over the course of the day to obtain optimal levels of sunlight.

The tracking system is designed in accordance with Australian Standards.

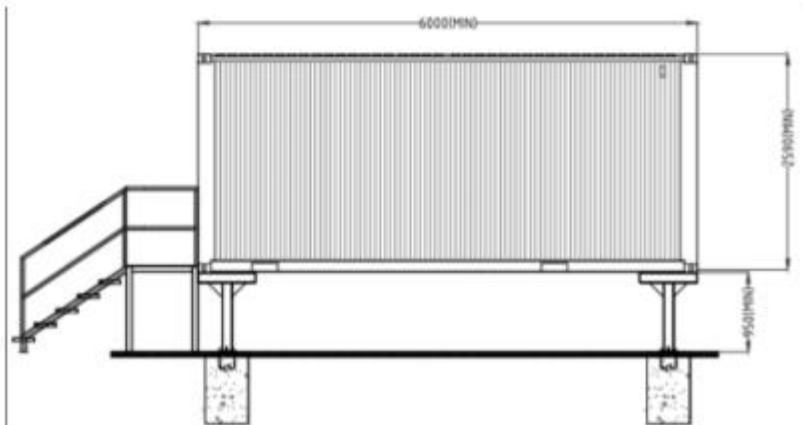
Photographs of arrays and axis trackers are shown below.

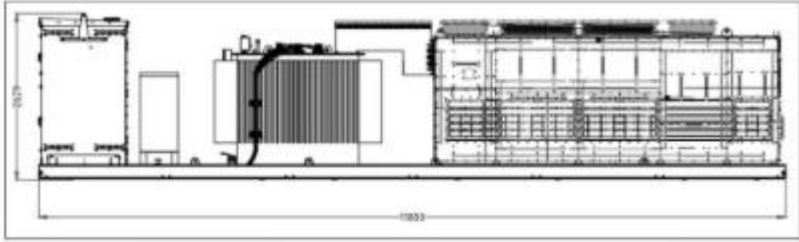



Inverters & switch room

Inverters (that convert energy generation from Direct Current DC to Alternating current AC Energy) and transformers are to be installed throughout the solar array.

A small switch room (substation) being a fenced compound is proposed to be constructed within the solar farm footprint area. The switch room is 6m x 2.43m, with a total area of 14.5 sq m, and is displayed below.



	<p>A central inverter is typically 11.8m x 2.1m in size and is detailed below.</p> 
<p>Security fencing</p>	<p>A chain mesh security fence is to be erected around the perimeter of the solar farm site, as shown in the plan below.</p> 

SUBJECT LAND & LOCALITY:

Site Description:

LOCATION OF DEVELOPMENT:

Location reference: LOT 634 SHERWIN RD MIL-LEL SA 5291

Title ref.: CT 5408/725 **Plan Parcel:** F192816 AL634 **Council:** THE DC OF GRANT

The subject land is undulating and is located approx. 6 kilometres north-east of Mount Gamber, and directly east of the Mil-Lel School, Showgrounds, Tennis Club and Memorial Hall.

The rectangular shaped allotment is vacant land with a road frontage of approx. 289 metres to Sherwin Road, and frontage also to Preece Road, which borders the nearby forestry plantation. The subject land is approx. 16.19 hectares in area and contains an existing moderately mature planted treeline along the western boundary.

The development is proposed to be sited approx. 150 metres from the Sherwin Road frontage, extending to the rear of the property, approx. 12 metres from the southern boundary.

Adjoining land is utilised for forestry, farming and primary production activities. There are three nearby dwellings, with the closest being approx. 115 metres to the north-west.



SAPPA Mapping – 8 February 2025



Locality

The locality is characterised with rural zoned allotments in a mixture of sizes utilised for primary production activities including farming, grazing and forestry. Many of these allotments contain dwellings with outbuildings and agricultural buildings.

South-east of the subject land is a cluster of Rural Living allotments (Worrolong) and directly east is the Mil-Lel School, Mil-Lel Memorial Hall and showgrounds, Mil-Lel Steam and Machinery Clubrooms and the Mil-Lel Tennis Club.

The nearest sensitive receiver to the proposed development is approx. 115 metres to the north-west from the top of the proposed development.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Renewable energy facility

Renewable energy facility: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code

PUBLIC NOTIFICATION

- **REASON**

Table 5 - Procedural Matters (PM) - Notification

Public Notification was required as Renewable Energy Facilities are not identified as exempt under Table 5 - Procedural Matters (PM) – Notification in the Rural Zone.

Six (6) adjoining landowners were notified that the development proposal was on public notification from 2 October 2024 until 23 October 2024.

No signage was required on the property (*see below*).

Placement of Notices – Exemptions for Performance Assessed Development

Pursuant to regulation 47(6)(c) of the Planning, Development and Infrastructure (General) Regulations 2017, the requirement to place a notice on the relevant land under section 107(3)(a)(ii) of the Planning, Development and Infrastructure Act 2016 does not apply in the Rural Zone.

- **LIST OF REPRESENTATIONS**

Five (5) representations were received as a result of the public notification of the development proposal.

No.	Name & Address	Reason for Representation	Wishes to be Heard?
1.	Stacey and Andrew Paltridge 289 Sherwin Road, Mil-Lel	<ul style="list-style-type: none"> • I support the development with some concerns 	Yes
2.	Leith Robson 307 Buchanan Road, Mil-Lel	<ul style="list-style-type: none"> • I oppose the development 	Yes
3.	James Gilham 288 Sherwin Road, Mil-Lel	<ul style="list-style-type: none"> • I support the development with some concerns 	Yes
4.	Marijan Tos 381 Buchanan Road, Mil-Lel	<ul style="list-style-type: none"> • I oppose the development 	Yes
5.	Garry Turnbull 267 Dycer Road, Mingbool	<ul style="list-style-type: none"> • I oppose the development 	Yes

- **SUMMARY**

In summary the representors have raised the following concerns:

- Visual impact
- Landscaping buffers

- Traffic impact/disruption
- Condition of the road
- Noise Impact
- Security lighting
- Loss of farming land
- Not a 'Rural' zone land use
- Increased kangaroo numbers on adjacent land
- Impact on farming/cropping/food production
- Relocate to land not viable for farming
- Interference with radio systems
- Difficulty for fox baiting if property leased/no contact details
- Risk assessment/fire risk/lack of communication with CFS
- Effect on insurance, land values, rates

- **RESPONSE TO REPRESENTATIONS**

A Summary of the Response to Representations (*Attachment 6 – Response to Representations*) from Flow Power (*the developers*) is provided below:

Fire Safety

- SA Country Fire Service (CFS) engaged to confirm fire mitigation measures are acceptable. – Intend to implement the following CFS requirements:
- 72,000 litre water storage tanks for fire-fighting purposes
- Multiple site access gates
- Using storage shipping container as incident heat flux shield between the BESS and the Forestry Plantation on the eastern side of the development.
- Fire Safety Management Plan for construction and operation.
- Minimum 10 metre wide defendable space around the perimeter of the solar farm between the project line and any equipment, managed as an Asset Protection Zone (APZ).

Noise Impact

- A Noise Impact Assessment was undertaken and prepared by Sonus (2024) assessing operational noise impacts from noise generating equipment (*See Appendix D – Noise Impact Assessment*).
- Item of equipment emitting most noise have been located furthest away from sensitive receivers.
- An acoustic treatment noise barrier is proposed and included in the updated site layout drawing (*See Appendix A – Site Layout*).
- With this acoustic treatment included the site is predicted to comply with the environmental noise criteria of the SA Planning & Design Code.

Visual Impact

- Flow Power proposes to establish landscape screening along the northern and western boundaries of the allotment.
- The landscape planting will generally be 10-12 metres in width excepting the north-western side of the allotment which will be 25 metres in width.
- Positioning and scale of landscaping has been determined with consideration of minimising the visual impact to the closest residences at 288 and 289 Sherwin Road, Mil-Lel via direct consultation with residents. (*see Appendix b – Landscape Plan, and Appendix E – Consultation record*).
- Native flora species to be used have been determined in consultation with the Limestone Coast Landscape Board, to ensure suitability with the local environment.
- Landscaping will be maintained by the owner of the facility.

Traffic Volumes

- A dilapidation survey will be undertaken prior to construction and another at completion to determine any damage to the road during construction. Flow Power commit to rectify any damages if they are found.

- No road treatment is proposed as Sherwin Road is suitable for heavy vehicle traffic in its current condition.
- A high-level program has been provided (*see Appendix c – Delivery Program*) which provides guidance on the frequency of trucks and vehicles accessing the site via Sherwin Road.

Radio Interference

- In accordance with EN 55011, we can confirm that our hardware will not be operated within 30 metres from any third party radio communication installations.
- As a result, the inverter will not generate radio frequency interference.

The hardware is compliant with IEC 61000-6-2:2019 which outlines interference immunity.

Security Lighting

- No security lighting will be present on site.

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

Works and Infrastructure Department – Director of Works and Infrastructure

Council's Director of Works and Infrastructure, Mr T Jordan has reviewed the development proposal, and routes involved with trucks for this project/development.

He has advised that the roads are suitable for the proposed traffic movements, with the following conditions added:

- The Road Dilapidation Report (including photographs) for pre and post construction project, must also include 'high- definition' video footage of the Sherwin Road/Attamurra Road intersection and continue footage to the property entrance on Sherwin Road.
- The construction of the driveway entrance to internal access road will need to comply with Council's Policy - *WKSPOL 15 - Design, Construction & Development of Infrastructure Assets (Points 5.1, and 5.2)*, which can be found on Council's website at https://www.dcgrant.sa.gov.au/data/assets/pdf_file/0032/417398/Design,-Construction-and-Development-of-Infrastructure-Assets-Policy-WKSPOL15-2-May-2022.pdf

These conditions have been added accordingly.

PLANNING & DESIGN CODE POLICIES

P&D Code (in effect) Version 2024.17 – Operational from 12 September 2024 to 25 September 2024

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

Question of Seriously at Variance

Not seriously at Variance

The proposed development comprising the '*Construction of a Renewable Energy Facility (4.98 MW) incorporating solar panel array, battery energy storage system (BESS), medium voltage power station (MVPS - including inverter, switchgear and transformer), fire water tank, securing fencing and gates, landscaping and ancillary equipment*' is not seriously at variance. It is located

in the Rural Zone. Development of this nature is appropriate within the site, locality or in the subject zone for the following reasons.

- (a) The proposed land use is not prejudicial to the Desired Outcome of the Rural Zone.
- (b) The identified departures from the Planning and Design Code are not considered to be 'important or grave.'

The proposed development does not represent a grave departure from the Planning and Design Code zone for the purpose of the Seriously at Variance assessment under Section 107(2)(c) of the Act, given that the Rural Zone contemplates a range of renewable energy facilities, with the proposal being a Solar Farm with BESS which supports the desired outcome of the zone being '*the generation of energy from renewable sources*'.

Rural Zone

Desired Outcome (DO)

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.

The proposed development is therefore 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*.

Rural Zone

Assessment Provisions (AP)

Desired Outcome (DO)

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.

Land Use and Intensity

PO 1.1 – DTS/DPF 1.1 (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (aa) (ab)

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.

Development comprises one or more of the following:

- a) Advertisement
- b) Agricultural building
- c) Brewery
- d) Carport
- e) Cidery
- f) Commercial Forestry
- g) Dairy
- h) Dam
- i) Distillery
- j) Dwelling
- k) Dwelling addition
- l) Farming
- m) Horse keeping
- n) Horticulture

- o) *Industry*
- p) *Intensity animal husbandry*
- q) *Low Intensity animal husbandry*
- r) *Outbuilding*
- s) *Renewable Energy Facility***
- t) *Shop*
- u) *Small-scale ground mounted solar power facility*
- v) *Stock slaughter works*
- w) *Tourist Accommodation*
- x) *Transport distribution*
- y) *Verandah*
- z) *Warehouse*
- aa) *Winery*
- bb) *Worker's accommodation*

The proposed development is listed as an envisaged land use in DTS/DPF 1.1 of the Zone and supports the economic prosperity of South Australia with the generation of energy from renewable sources with this development being for the development of a *4.98MW Solar Farm, BESS & associated infrastructure*.

The proposed development on the subject land will not impede the operation or function of rural industry activities on neighbouring properties, noting that the locality has a mixed use of farming, forestry, and rural living. There will also be approx. 2-4 hectares of this allotment still available for the grazing of stock to the north and west of the proposed Solar Farm.

Siting and Design

PO 2.1 – DTS/DPF 2.1

- The proposed development is accessible from an internal driveway to Sherwin Road, which is an unsealed white metal public road.
- The developer has proposed to provide a dilapidation report prior to, and after completion of construction, with rectification of any damage to the road to be undertaken at the developer's (Flow Power) cost.
- Council's Director of Works and Infrastructure, Mr T Jordan has reviewed the development proposal, and routes involved with trucks for this project/development.

He has advised that the roads are suitable for the proposed traffic movements, with conditions. These conditions have been added accordingly.

PO 2.2 – DTS/DPF 2.2 (a) (b)

- Ancillary buildings/infrastructure will be located in the south-eastern corner of the allotment and there are no anticipated issues with meeting these requirements as the land has a gentle slope that will not require excessive cut and fill.

Renewable Energy Facilities

PO 9.1 – DTS/DPF 9.1

Renewable energy facilities and ancillary development minimises significant fragmentation or displacement of existing primary production.

- The definition of Renewable Energy Facilities in the Planning and Design Code is as follows:

Means land and/or water used to generate electricity from a renewable source such as wind, solar, tidal, hydropower, biomass and/or geothermal.

This use may also include:

- a) *any associated facility for the storage and/or transmission of the generated electricity.*
- b) *any building or structure used in connection with the generation of electricity.*
- The development of what is considered to be a small scale, ground mounted Solar Farm is considered to be consistent with the desired character and land used envisaged in the Rural Zone.
- The site of the Solar Farm with BESS is unlikely to impact significantly on ongoing primary production activities within the locality. Overall the loss of production from conversion of

the land to a Solar Farm with BESS on this allotment will have a minor impact on the state's agricultural production.

- There is still approx. 2-4 hectares available for primary production on the land surrounding the proposed development.
- Mr Brennan notes in his Planning Report also that the land can still be utilised for sheep grazing amongst the solar arrays; with the use of sheep being envisaged to manage the vegetation on the subject land where feasible. This continued use of primary production activities in the form of grazing assists in mitigating the loss of primary production capacity of the land.

Built Form and Character

PO 11.1 – DTS/DPF 1.1

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*

- The proposed development includes appropriate setbacks from the primary road (Sherwin Road) and adjoining landowner boundaries to reduce the visual.
- Landscaping is proposed to provide an Asset Protection Zone and to visually screen the development from the nearest sensitive receiver on the western side of the allotment.

Part 3 - Overlays

Hazards (Bushfire – High Risk) Overlay

Assessment Provisions (AP)

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.

- The objective of the overlay is to ensure that development responds to the level of bushfire risk by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires, and to facilitate access for emergency services vehicles to aid the protection of lives and assets from bushfire danger.
- The performance outcomes require that the impacts of bushfires are minimised by appropriately siting buildings, incorporating appropriate building design and maintaining appropriate building access. The pertinent performance outcomes are as follows:

Siting

PO 2.1 – DTS/DPF 2.1

Buildings and structures are located away from areas that pose an unacceptable bushfire risk as a result of vegetation cover and type, and terrain.

Built Form

PO 3.1 – DTS/DPF 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.

- The developer has engaged with the Country Fire Service (CFS) to discuss and confirm that fire safety standards and requirements are consistent with those developed and constructed on a similar project in Berri SA.
- A meeting was held with representatives of the CFS in December 2024 to confirm that their fire mitigation measures were acceptable.
- Flow Power intend to implement the following CFS requirements:
 - Per the CFS Policy no. 14, water storage tanks for fighting (tank sizing, tank connections, access locks, signage).
 - 72,000 litre water tank/s
 - Multiple site access gates
 - Using the storage shipping container as incident heat flux shield between the BESS and the pine forest to the east
 - Site familiarisation visits with the local CFS Mil-Lel brigade and other interested parties from the CFS Mount Gambier District Group. Prior to construction completion.
 - Fire Safety Management Plan for construction and operation. Including:
 - All hot works to be managed under a 'hot works' permit system requiring controls to reduce the risk of fire and that no hot works will be undertaken on Fire Ban days unless a permit is first obtained from the CFS.
 - Minimum 10 metre wide defendable space around the perimeter of the solar farm between the project fence line and any equipment, managed as an Asset Protection Zone (APZ). This provides an obstacle free working environment in which fire-fighting can be undertaken to defend the asset and surrounding areas from a fire.
 - The site groundcover will also be maintained to reduce fuel loads. This will be achieved via combination of regular slashing, mowing and grazing livestock between and underneath the solar tracker rows.
 - The above measures are acceptable to mitigate the risk of fire for the development, the subject land and the surrounding areas.

The Planning and Design Code requires that vehicle access and egress be suitable for fire fighting vehicles.

Vehicle Access – Roads, Driveways and Fire Tracks

PO 6.1 (a) (b) – DTS/DPF 6.1 (a) (b)

Roads are designed and constructed to facilitate the safe and effective:

- (a) access, operation and evacuation of fire-fighting vehicles and emergency personnel*
- (b) evacuation of residents, occupants and visitors.*

- The subject land has vehicle access from Sherwin Road on the northern side of the allotment. Sherwin Road is an unsealed all weather trafficable road.
- The condition of Sherwin Road may be affected by the proposed traffic impact with the development.
- The developer (Flow Power) proposes to provide a dilapidation survey prior to, and after completion of construction, with rectification of any damage to the road to be undertaken at the developer's cost.
- The developer will be required to engage with Council's Director of Works and Infrastructure, who has been consulted regarding the traffic impact, to agree to any works to be undertaken for the development, and/or the road standards currently and into the future.

PO 6.3 – DTS/DPF 6.3

Development does not rely on fire tracks as means of evacuation or access for fire-fighting purposes unless there are no safe alternatives available.

- An all-weather trafficable unsealed internal road and access to Sherwin road is proposed which will provide both access and egress should a bushfire occur.

- All access roads and tracks that are likely to be used for bushfire responses are to be maintained to ensure available access for fire appliances during the fire sanger season.
- A dedicated water supply of 72,000 litres will be installed at the site to be utilised in the event of a bushfire.
- Potential ignition sources are from electoral infrastructure, failures within inverters, switchboards and overheating components which may ignite nearby vegetation.
- The developer proposes a minimum 10-metre Asset Protection Zone (APZ) around the Solar Farm to further protect it from fire.
- The site and arrays of solar panels are easily accessible by fire appliance vehicles and a suitable turnaround is provided within the site.
- Bushfire risks posed by the construction and operation of the Solar Farm with BESS can be effectively managed by the implementation of the developer's fire mitigation measures and Fire Management Plan as detailed in this report and as required by the CFS.

Hazards (Flooding – Evidence Required) Overlay

Assessment Provisions (AP)

DO 1

Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.

This overlay takes a precautionary approach to mitigate the potential impact on people, property infrastructure and the environment from potential flood risk through the appropriate siting and design of development.

Flood Resilience

PO 1.1 – DTS/DPF 1.1 (a) (b)

PO 1 - Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.

DTS/DPF 1.1 (a) (b)

Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300mm above:

- (a) the highest point of top of kerb of the primary street*
- (b) the highest point of natural ground level at the primary street boundary where there is no kerb*
- The solar panel arrays are not impacted by flooding, as they will be raised above ground on poles/frames
- Supporting infrastructure will be conditioned to be a minimum of 300mm above the natural ground level at the primary street to mitigate any risk of flooding to the infrastructure.

Native Vegetation Overlay

Assessment Provisions (AP)

DO 1

Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.

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.

- The subject land has planted trees on the western side boundary, and these are to be retained as part of the development.
- Additional landscaping is proposed.
- A Native Vegetation Report prepared by Peter Tucker, June 2024 an
- The Applicant has declared that 'the proposed development will not, or would not, involve clearance of native vegetation under the *Native Vegetation Act 1991*.'
- A Native Vegetation Report prepared by Peter Tucker, June 2024 concurs that a 'Significant Environmental Benefit' is not applicable for removal of planted vegetation associated with the land parcel. In any case the existing planted tree line will remain.

- As no vegetation is to be cleared or impacted by this development proposal, there was no trigger for referral to the Native Vegetation Council.

Prescribed Wells Area Overlay

Assessment Provisions (AP)

DO 1

Sustainable water use in prescribed wells areas.

PO 1.1 - All development, but in particular involving any of the following:

- (a) horticulture*
- (b) activities requiring irrigation*
- (c) aquaculture*
- (d) industry*
- (e) intensive animal husbandry*
- (f) commercial forestry*

has a lawful, sustainable and reliable water supply that does not place undue strain on water resources in prescribed wells areas.

DTS/DPF 1.1 – Development satisfies either of the following:

- (a) the applicant has a current water licence in which sufficient spare capacity exists to accommodate the water needs of the proposed use*
or
 - (b) the proposal does not involve the taking of water for which a licence would be required under the ‘Landscape South Australia Act 2019’*
- Reticulated mains water is not available on the subject land
 - The development proposal does not involve any of the activities listed in PO 1.1 and therefore there is no trigger for referral to the Landscape Board.

Part 4 - General Development Policies

Clearance from Overhead Powerlines

Assessment Provisions (AP)

DO 1

Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.

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*
- (b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.*
 - *The Applicant has declared that the development proposal would not be contrary to the regulations prescribed for the purposes of ‘Section 86’ of the ‘Electricity Act 1996’ as required under these provisions of the Planning and Design Code.*

Design

Assessment Provisions (AP)

DO 1

Development is:

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

*All Development**External Appearance**PO 1.1 – DTS/DPF 1.1*

Buildings reinforce corners through changes in setback, articulation, materials, colour and massing (including height, width, bulk, roof form and slope).

PO 1.4 (a) (b) (c) – DTS/DPF 1.4

Plant, exhaust and intake vents and other technical equipment is integrated into the building design to minimise visibility from the public realm and negative impacts on residential amenity by:

- (a) Positioning plant and equipment in unobtrusive locations viewed from public roads and spaces*
- (b) Screening rooftop plant and equipment from view*
- (c) When located on the roof of non-residential development, locating the plant and equipment **as far as practicable from adjacent sensitive receivers***
 - The associated infrastructure including the auxiliary transformer, main switchboard (SWBo1), BESS area, Shed/Shipping Container, SA Power Networks connection point, 3.2m high noise wall, 72,000 litre rainwater tank for bushfire fighting purpose, 18 x single axis tracker, medium voltage power station (MVPS) will all be located in the south-eastern corner of the subject land.
 - The proposed location of the associated infrastructure provides for the least visual impact to the closest sensitive receiver on the north-eastern side of the subject land and located approx. 115 metres from the north-east starting point of the development.
 - Landscaping proposed on the northern and eastern side of the subject land will also mitigate any visual impact to the sensitive receivers.
 - As the proposed development is an envisaged land use within the Rural Zone, some visual impact is acceptable and is reduced by the choice of the subject land with the forestry plantation adjacent on the eastern side.

Landscaping

PO 3.1 – Soft landscaping and tree planting is incorporated to:

- (a) minimise heat absorption and reflection*
- (b) maximise shade and shelter*
- (c) maximise stormwater infiltration*
- (d) enhance the appearance of land and streetscapes*
- (e) contribute to biodiversity*

PO 3.2 – DTS/DPF 3.2

Soft landscaping and tree planting maximises the use of locally indigenous plant species, incorporates plant species best suited to current and future climate conditions and avoids pest plant and weed species.

- Landscaping is proposed along the northern and eastern boundaries to mitigate any visual impact to Sherwin Road and sensitive receivers but will also allow the proposed development of a Solar Farm to achieve its intended purpose of capturing solar energy to be converted to electricity for SA Power Networks.

*Carparking Appearance**PO 7.2 – DTS/DPF 7.2*

Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like.

- No permanent carparking area is proposed with the development.
- Once the construction is completed there will be no requirement for carparking on the subject land.
- During the construction phase carparking for any vehicles that will be working on the site can be accommodated within the subject land based on the areas that will not contain the proposed development.

*Fences and Walls**PO 9.1 – DTS/DPF 9.1*

Fences, walls and retaining walls are of sufficient height to maintain privacy and security without unreasonably impacting the visual amenity and adjoining land's access to sunlight or the amenity of public places.

- The proposed 2.1 metre security fence surrounding the proposed development does not unreasonably impact the visual amenity of the adjoining landowners or public roads.
- The existing and proposed landscaping further enhances the visual impact of this development and will minimise the visual impact of the security fence in the process.

Infrastructure and Renewable Energy Facilities

Assessment Provisions (AP)

DO 1

*Efficient provision of infrastructure networks and services, **renewable energy facilities** and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.*

PO 1.1 – Development is located and designed to minimise hazard or nuisance to adjacent development and land uses.

PO 2.1 – The visual impact of above-ground infrastructure networks and services (excluding high voltage transmission lines), renewable energy facilities (excluding wind farms), energy storage facilities and ancillary development is minimised from townships, scenic routes and public roads by:

- (a) utilising features of the natural landscape to obscure views where practicable*
- (b) siting development below ridgelines where practicable*
- (c) avoiding visually sensitive and significant landscapes*
- (d) using materials and finishes with low-reflectivity and colours that complement the surroundings*
- (e) using existing vegetation to screen buildings*
- (f) incorporating landscaping or landscaped mounding around the perimeter of a site and between adjacent allotments accommodating or zoned to primarily accommodate sensitive receivers.*

PO 2.2 – DTS/DPF 2.2

Pumping stations, battery storage facilities, maintenance sheds and other ancillary structures incorporate vegetation buffers to reduce adverse visual impacts on adjacent land.

Hazard Management

PO 4.1 – DTS/DPF 4.1

Infrastructure and renewable energy facilities and ancillary development located and operated to not adversely impact maritime or air transport safety, including the operation of ports, airfields and landing strips.

PO 4.2 – DTS/DPF 4.2

Facilities for energy generation, power storage and transmission are separated as far as practicable from dwellings, tourist accommodation and frequently visited public places (such as viewing platforms / lookouts) to reduce risks to public safety from fire or equipment malfunction.

PO 4.3 – DTS/DPF 4.3

Bushfire hazard risk is minimised for renewable energy facilities by providing appropriate access tracks, safety equipment and water tanks and establishing cleared areas around substations, battery storage and operations compounds.

Electricity Infrastructure and Battery Storage Facilities

PO 5.1 – DTS/DPF 5.1

Electricity infrastructure is located to minimise visual impacts through techniques including:

- (a) siting utilities and services:

 - i. on areas already cleared of native vegetation*
 - ii. where there is minimal interference or disturbance to existing native vegetation or biodiversity**
- (b) grouping utility buildings and structures with non-residential development, where practicable*

PO 5.3 – DTS/DPF 5.3

Battery storage facilities are co-located with substation infrastructure where practicable to minimise the development footprint and reduce environmental impacts.

- Co-location not possible for this battery storage facility as it is required for the Solar Farm at this location.

Renewable Energy Facilities

PO 7.1 – DTS/DPF 7.1

Renewable energy facilities are located as close as practicable to existing transmission infrastructure to facilitate connections and minimise environmental impacts as a result of extending transmission infrastructure.

Renewable Energy Facilities (Solar Power)

PO 9.2 – DTS/DPF 9.2

Ground mounted solar power facilities allow for movement of wildlife by:

- incorporating wildlife corridors and habitat refuges*
- avoiding the use of extensive security or perimeter fencing or incorporating fencing that enables the passage of small animals without unreasonably compromising the security of the facility*

PO 9.3 - Amenity impacts of solar power facilities are minimised through separation from conservation areas and sensitive receivers in other ownership.

PO 9.4 - Ground mounted solar power facilities incorporate landscaping within setbacks from adjacent road frontages and boundaries of adjacent allotments accommodating non-host dwellings, where balanced with infrastructure access and bushfire safety considerations.

- As Mr Brennan has stated in his Planning Report, and I concur with his assessment:
- The proposed Solar Farm with BESS and associated infrastructure has been located on the southern portion of the subject land to minimise the visual impact to the amenity of the area, and to ensure that the development can maximise efficient generation and supply of electricity. A connection to the grid exists within close proximity that can be easily facilitated.
- The subject land is not of high scenic, cultural or environmental value, and the previous likely use suggests that there is minimal wildlife present.
- The existing planted tree line on the eastern side of the allotment will remain and will be further enhanced by significant additional plantings to provide additional habitat to encourage wildlife.
- The location of the proposed solar arrays is a minimum of 10 metres to boundaries to allow for an Asset Protection Zone (APZ) but also to minimise the impact of earthworks and loss of visual amenity.
- The separation to the nearest sensitive receivers is considered appropriate considering that a Renewable Energy Facility is an envisaged land use in the Rural Zone.
- Significant landscaping is proposed to further minimise the visual amenity around the renewable Energy Facility and utilising the existing Forestry plantation on the eastern side of the subject land further supports this.

Interface between Land Uses

Assessment Provisions (AP)

DO 1

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

General Land Use Compatibility

PO 1.2 – DTS/DPF 1.2

Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.

- There are four (4) sensitive receivers within a 2-kilometre area of the proposed Solar Farm with BESS, with the closest sensitive receiver located approx. 155 metres from the development on the north-western side of the subject land.
- The proposed development has shown significant consideration to ensure that there is minimal adverse impact to existing sensitive receivers

Activities Generating Noise or Vibration

PO 4.1 - Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).

DTS/DPF 4.1 – Noise that affects sensitive receivers achieves the relevant Environment Protection (Commercial and Industrial Noise) Policy criteria.

- The developer (Flow Power) has engaged Sonus, Acoustic Engineers to undertake a 'Noise Impact Assessment' to assess the current and predicted noise for the development
- The Noise Impact Assessment was undertaken and prepared by Sonus (2024) assessing operational noise impacts from noise generating equipment (See Appendix D – Noise Impact Assessment).
- Item of equipment emitting most noise have been located furthest away from sensitive receivers.
- An acoustic treatment noise barrier is proposed and included in the updated site layout drawing (See Appendix A – Site Layout).
- With this acoustic treatment included the site is predicted to comply with the environmental noise criteria of the SA Planning & Design Code.
- With the 'acoustic treatment' (3.2-metre Colorbond wall) installed, the predicted noise generated from the development will comply with the EPA's *Environment Protection (Commercial and Industrial Noise) Policy 2023*.
- Noise from construction will likely be the more noticeable with this development, but given the timeframe for the construction, this will resolve once the construction is completed.

Light Spill

PO 6.1 – DTS/DPF 6.1

External lighting is positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers (or lawfully approved sensitive receivers).

- The developer (Flow Power) in its response to representations stated that there will be no security lighting present on the site.
- Mr Brennan in his Planning Report advised states that 'there will be no light spill created as any security lighting associated with the development, will be in immediate areas surrounding the supporting infrastructure and will not be directed toward/nor within proximity to any sensitive receivers'.
- There may be a miscommunication here between the developer and Mr Brennan which can be easily resolved with a condition relating to any light spill from the proposed development being adjusted to ensure that there is no light spill for adjoining neighbours or road users.
- As stated by Mr Brennan in his Planning Report, the proposed Solar Farm will utilise PV panels with anti-reflective properties that reflect as little as 2% of incoming sunlight. The panels produce electricity through the absorption of light and therefore, any reflected light is essentially wasted energy.

Transport, Access and Parking

Assessment Provisions (AP)

DO 1

A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.

Movement Systems

PO 1.1 – DTS/DPF 1.1

PO 1.4 – Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.

DTS/DPF 1.4 – All vehicle manoeuvring occurs onsite.

- All turning movements of larger vehicles necessary during the construction of the proposed development will be supported within the confines of the subject land, with any necessary turning circles provided and/or constructed.

Vehicle Access

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

DTS/DPF 3.1 – The access is:

(a) Provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land

or

(b) Not located within 6 metres of an intersection of 2 or more roads or a pedestrian activated crossing

PO 3.3 – DTS/DPF 3.3

Access points are sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use.

PO 3.4 – DTS/DPF 3.4

Access points are sited and designed to minimise any adverse impacts on neighbouring properties.

PO 3.8 – DTS/DPF 3.8

Driveways, access points, access tracks and parking areas are designed and constructed to allow adequate movement and manoeuvrability having regard to the types of vehicles that are reasonably anticipated.

- A new access will be required from Sherwin Road, as the intersecting Preece Road is an unmade road.
- The new access will be constructed as an all-weather surfaced access that will support larger commercial vehicles required to deliver infrastructure to the site during construction. Once construction is completed this will provide an acceptable access for the minimal private vehicles visiting the site.
- All new access points must be approved by Council with a 'Section 221 – Authorisation to Alter a Public Road' and this will be added in the planning conditions for this development.

The provisions of the Planning and Design Code are met with the anticipated traffic impact for the proposed development.

Council's Director of Works and Infrastructure's consultative advice has been taken into consideration with this assessment and relevant conditions added to the development proposal.

CONCLUSION

The assessment against the Rural Zone, relevant Overlays, and General Development policies indicates that the proposed 'Construction of a Renewable Energy Facility (4.98 MW) incorporating solar panel array, battery energy storage system (BESS), medium voltage power station (MVPS - including inverter, switchgear and transformer), fire water tank, securing fencing and gates, landscaping and ancillary equipment' can be supported in the locality.

Overall, the Solar Farm and BESS will have a limited impact on the overall state's agricultural production.

The layout and design of the development will result in an acceptable visual impact on the locality. A significant landscape buffer is proposed along the northern and western side boundaries to minimise visual impacts.

The subject land is located within the Hazards (Bushfire – High) Overlay. The bushfire risk assessment includes the proposal to implement bushfire mitigation measures, as advised by the CFS and a Fire Safety Management Plan for construction and operation.

The location and configuration of the facility would not give rise to any significant adverse interface impacts or conflicts between land use. Traffic to and from the site is anticipated to be greatest during the construction stage of the development. Limited traffic is anticipated during the operational stage of the development.

Council's Director of Works and Infrastructure's consultative advice has been taken into consideration with this assessment and relevant conditions added to the development proposal.

Having regard to the potential impacts of the development, and the mitigation measures proposed to minimise potential impacts the proposed development exhibits sufficient merit to warrant planning consent.

INVITEES

The Representor - Stacey and Andrew Paltridge

The Representor - Leith Robson

The Representor - James Gilham

The Representor - Marijan Tos

The Applicant - Frank Brennan, Frank Brennan Consulting Services

ATTACHMENTS

1. Application Snapshot [**6.2.1** - 4 pages]
2. Application Documents [**6.2.2** - 38 pages]
3. Subject Land Map [**6.2.3** - 2 pages]
4. Zoning Map [**6.2.4** - 3 pages]
5. Representation Map [**6.2.5** - 2 pages]
6. Summary of Representations [**6.2.6** - 10 pages]
7. Response to Representations [**6.2.7** - 25 pages]
8. Relevant P&D Code Policies [**6.2.8** - 117 pages]

6.3 DA 24035674 - 269 SQUARE MILE ROAD, YAHL - CHANGE OF USE - ANIMAL KEEPING (DOG DAY CARE FACILITY) AND ADVERTISING SIGN

Author: Trudy Glynn, Planning Officer (District Council of Grant)

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24035674 - 269 Square Mile Road, Yahl - Change of Use - Animal Keeping (Dog Day Care Facility) and Advertising Sign' as presented on Thursday 20 February 2025 be noted.
2. That the Limestone Coast Southern Regional Assessment Panel pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, resolve that the application is NOT seriously at variance with the Planning and Design Code for the following reasons:
 - (a) The proposed land use is not prejudicial to the Desired Outcome of the Rural Horticulture Zone.
 - (b) The identified departures from the Planning and Design Code are not considered to be 'important or grave.'

The proposed development does not represent a grave departure from the Planning and Design Code zone for the purpose of the Seriously at Variance assessment under Section 107(2)(c) of the Act, given that the Rural Horticulture Zone, contemplates other land uses that may have an interface conflict with horticulture and other land uses if managed.

3. That the Limestone Coast Southern Regional Assessment Panel resolve that:
 - (a) Pursuant to Section 107 (2) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
 - (b) Development Application Number 24035674, by Frank Brennan Consulting Services, that planning consent is **granted** subject to the following conditions:

CONDITIONS

Condition 1

The development must be undertaken, used, maintained and operated in accordance with the plans and associated documentation comprising the Development Application 24035674, except where varied by the following conditions and/or where changes are required to comply with the National Construction Code of Australia and/or relevant Australian Standards and Codes.

Condition 2

A maximum of 24 dogs (Monday to Wednesday) and a maximum of 4 dogs (Thursday to Sunday) are to be cared for at the Dog Daycare Facility at any one time and as stated in the Applicant's plans and documentation.

Condition 3

Dogs shall not be transported to the site any earlier than 8.30am and be present at the site any later than 5.00pm, 7 days per week as stated in the Applicant's plans and documentation.

Condition 4

The approved Dog Daycare Facility shall not cause any unreasonable nuisance or unreasonable adverse impacts to the owners or occupiers of adjoining land.

Condition 5

The approved Dog Daycare Facility yards shall remain fenced at no less than currently exists (1.85 metres) with the fence regularly checked and maintained to ensure to holes or damage has occurred.

Condition 6

Noise levels are not to exceed those specified by the Environment Protection Authority in its in the '*Environment Protection (Commercial and Industrial Noise) Policy 2023*'.

Condition 7

Existing Tree/shrub planting and landscaping is to be maintained and/or enhanced where necessary, with prompt replacement of any trees/shrubs that may die to maintain a landscaped screen to adjoining landowners.

Condition 8

The subject land and all improvements thereon shall be maintained in a state of good, tidy and attractive repair and condition at all times to the reasonable satisfaction of Council.

DEVELOPMENT NO.:	24035674
APPLICANT:	Frank Brennan Consulting Services
NATURE OF DEVELOPMENT:	Change of Use for Animal Keeping (Dog Daycare Facility) and advertising sign
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Rural Horticulture <p>Overlays:</p> <ul style="list-style-type: none"> • Dwelling Excision • Hazards (Bushfire - General) • Hazards (Flooding - Evidence Required) • Limited Land Division • Native Vegetation • Prescribed Wells Area • Water Protection Area <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Finished Ground and Floor Levels (Minimum finished ground level is 1.85m AHD; Minimum finished floor level is 2.1m AHD) • Minimum Site Area (Minimum site area is 15 ha)
LODGEMENT DATE:	4 Nov 2024

RELEVANT AUTHORITY:	Regional Assessment Panel/Assessment Manager at Limestone Coast Southern Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.19 – Operational from 24 October 2024 to 6 November 2024
CATEGORY OF DEVELOPMENT:	Code Assessed – Performance Assessed
NOTIFICATION:	Yes – Eight (8) adjoining landowners notified Three (3) representations received
RECOMMENDING OFFICER:	Trudy Glynn Planning Officer
REFERRALS STATUTORY:	Nil
REFERRALS NON STATUTORY:	Nil

DETAILED DESCRIPTION OF PROPOSAL

A Development Application has been lodged seeking planning consent for the '*Change of Land Use for Animal Keeping (Dog Daycare Facility) and advertising sign.*' at 269 Square Mile Road, Yahl.

The Dog Daycare Facility will cover approximately 0.42 hectares (3,800 m²) of the 5.09 hectare allotment, utilising 2 x existing fences yards, and 6 x smaller fenced yards for housing dogs on the allotment.

Access to the Dog Daycare Facility is from the existing white metal driveway to Square Mile Road, Yahl.

The proposed development is seeking retrospective approval to operate a Dog Daycare Facility at 269 Square Mile Road in Yahl.

The Dog Daycare Facility is to operate as a space for people to allow their dogs to socialise and learn to safely interact with each other. This provides a healthy environment where dogs can socialise whilst their owners are at work. The facility is to only operate during day time hours. The facility operates as a pickup and drop off service only.

There are no building works proposed as a part of the development.

The facility has 2x large fenced yards which total approximately 70m x 60m combined. As well as 6x smaller yards for containing dogs. These fenced yards are surrounded by 1.85m high fencing. Mature vegetation surrounds the yards, providing shade and shelter for the dogs and enhancing the overall amenity of the facility.

The applicant's business 'Instinctual Canine' also operate dog training services which is all managed off site.

Other considerations for the development include the following:

Maximum number of dogs kept at the facility	The maximum number of dogs kept at the facility at any one time is – <ul style="list-style-type: none"> ▪ Monday to Wednesday – 15 - 24 dogs ▪ Thursday to Sunday – 3 - 4 dogs
Employees	The facility is run by the owners John & Fiona Laube, and there are no additional employees required at the facility.
Hours of Operation	The facility is to operate during daylight hours only from 8.30 am until 5:00 pm, 7 days per week.
Traffic & Carparking	There is no traffic or carparking considerations necessary for the facility given that all dogs are collected and dropped off via the facilities own transport vehicle.
Noise	Noise is considered minimal. Barking of dogs is generally not an issue with well socialised dogs. The facility is only operational during daylight hours from 8.30am until 5pm therefore there is no potential for noise impact during the night.
Waste	Dogs are not fed at the facility; therefore, waste is considered minimal. Any dog faeces are collected, bagged and disposed off via the local rubbish collection service.
Signage	There is an existing sign attached to the front fence as displayed below.

BACKGROUND:

The landowners established and operated the proposed development including the boarding of dogs for some time before ceasing the boarding of dogs. Council commenced compliance procedures accordingly until such time as the landowners complied with Council to stop boarding dogs and submit a Development Application for a change of land use.

Development Application 24035674 for a 'Change of Land Use for Animal Keeping (Dog Daycare Facility) and advertising sign' was lodged on 4 November 2024.

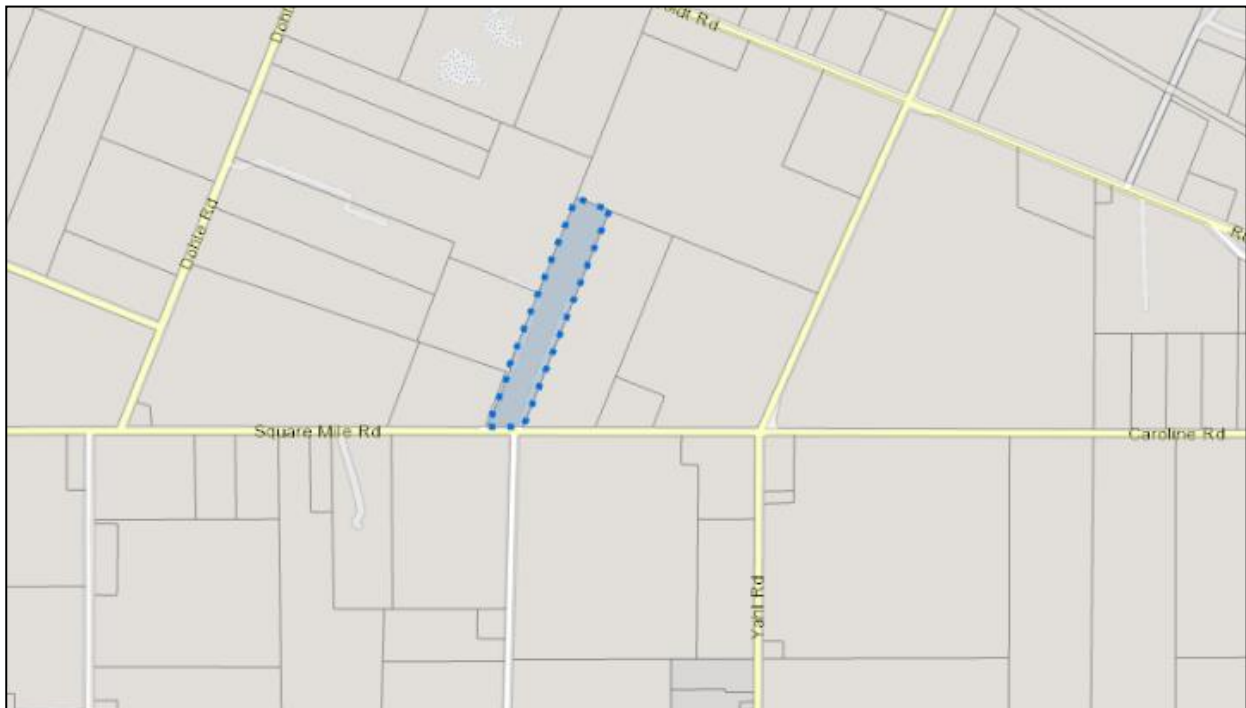
SUBJECT LAND & LOCALITY**Site Description****LOCATION OF DEVELOPMENT:**

Location reference: 269 SQUARE MILE RD YAHL SA 5291

Title ref.: CT 5794/628 **Plan Parcel:** D54308 AL11 **Council:** THE DC OF GRANT

The subject land is reasonably flat and is located approx. 3 kilometres south-east of Mount Gambier, and approx. 1 kilometre north-west of the township of Yahl.

The allotment is predominantly rectangular and sloped at the front boundary. The subject land has a road frontage of 89 metres and an area of 5.09 hectares. The allotment contains existing trees and vegetation as shown on the Site Plan to provide shelter trees within the dog yards and to provide a screen of native trees between the adjoining neighbouring properties and Square Mile Road.



SAPPA Mapping – 11 February 2025



Google Earth – 11 February 2025

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

• **PER ELEMENT:**

Change of use: Code Assessed - Performance Assessed

Animal keeping: Code Assessed - Performance Assessed

Advertisement: Code Assessed - Performance Assessed

• **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

• **REASON**

P&D Code

PUBLIC NOTIFICATION

• **REASON**

Public Notification was required as a Change of Land Use to Animal Keeping (Dog Daycare Facility) is not identified as exempt under Table 5 – Procedural Matters (PM) – Notification in the Rural Horticulture Zone.

Eight (8) adjoining landowners were notified that the development proposal was on public notification from 15 November 2024 to 5 December 2024.

No signage was required on the property as it is located in the 'Rural Horticulture' Zone (see below)

Placement of Notices – Exemptions for Performance Assessed Development

Pursuant to regulation 47(6)(c) of the Planning, Development and Infrastructure (General) Regulations 2017, the requirement to place a notice on the relevant land under section 107(3)(a)(ii) of the *Planning, Development and Infrastructure Act 2016* does not apply in the Rural Horticulture Zone.

• LIST OF REPRESENTATIONS

Three (3) representations were received as a result of the public notification of the development proposal.

No.	Name & Address	Reason for Representation	Wishes to be Heard?
1.	Garry Boston 253 Square Mile Road, Yahl	<ul style="list-style-type: none"> I support the development with some concerns 	No
2.	Paul Clode 261 Square Mile Road, Yahl	<ul style="list-style-type: none"> I oppose the development 	No
3.	Sam McCracken 275 Square Mile Road, Yahl	<ul style="list-style-type: none"> I support the development with some concerns 	Yes

• SUMMARY

In summary the representors have raised the following concerns:

- Supervision of dogs
- Clarification of the number of dogs and hours
- Barking during the day
- Dogs with issues will use the service i.e. barking when nobody is around
- Dust from the yards in summer, will it be watered?
- Water licence required.
- Not envisaged in Rural (sic) Zone
- Further development once approved
- Devalues our property
- Not Rural Living when a dog daycare is open 7 days a week and up to 15-24 dogs
- Previous experience with dogs next door is excessive barking
- Daytime barking has caused concerns previously
- Proposed location is closer in distance to 2 neighbouring residences that it is to the owner's residence
- Noise impacts during day/night are a concern as I work from home 1 day per week for my own business
- As a hobby farmer of sheep & cattle, we have lambs that are vulnerable to dog attacks if dogs were to get out (has happened previously)

• RESPONSE TO REPRESENTATIONS

Mr Frank Brennan, Frank Brennan Consulting Services has responded to the representations, and a summary is provided below:

Supervision

- Confirm that the dogs will be under supervision at all times

Dog Numbers & Operating Hours

- Operating hours will be daylight hours only from 8.30am to 5.00pm, 7 days per week, while the maximum number of dogs to be kept in the facility will be 24 dogs (Monday to Wednesday) & 4 dogs (Thursday to Sunday)

We are seeking to amend our Development Application to keep a maximum of 30 dogs in the facility Monday to Wednesday.

Barking / Noise

- With dogs under supervision while at the facility, barking from well socialised dogs is controlled and minimised.
- Generally, in this type of activity and setting there is some incidental barking and location upon initial release by some dogs and then controlled with supervision.
- Multiple yards are to be used to enable better control of the dogs with different energy levels thereby minimising incidents of barking.
- No dogs are to be kept at the facility past 5.30pm and therefore there is no potential for dogs barking at night.

Dog Attacks

- The dogs will all be in fenced enclosures to prevent them from wandering from the property to maintain control and supervision.

Location of the facility on the property

- The facility is seeking to utilise the existing infrastructure on the property (i.e. shedding (2001), water and shade trees).

Zoning

- Property is located in the Rural Horticulture Zone.
- Seeks to establish a Dog Daycare Facility which falls under the definition of 'animal keeping' under the Planning and Design Code.
- 'Animal Keeping' not explicitly defined as an envisaged form of land use within DPF 1.1 for the Rural Horticulture Zone, and as such is being assessed on its merits against the Code.
- There are other activities which are envisaged within the zone such as 'horse keeping' and 'low intensity animal husbandry' which can be considered similar to the proposed development in terms of the type of planning considerations required.
- The establishment of a Dog Daycare Facility is not considered to have any detrimental impact upon the desired outcome of the Rural Horticulture Zone with the continuation of agricultural and horticultural activities to be supported, protected and maintained.

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

Nil

PLANNING & DESIGN CODE POLICIES

P&D Code (in effect) Version 2024.19 – Operational from 24 October 2024 to 6 November 2024

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

Question of Seriously at Variance

Not Seriously at Variance

The proposed development comprising a '*Change of Use for Animal Keeping (Dog Daycare Facility) and advertising sign*' is not seriously at variance. It is located in the Rural Horticulture Zone for the following reasons:

- (a) The proposed land use is not prejudicial to the Desired Outcome of the Rural Horticulture Zone.
- (b) The identified departures from the Planning and Design Code are not considered to be 'important or grave.'

The proposed development does not represent a grave departure from the Planning and Design Code zone for the purpose of the Seriously at Variance assessment under Section 107(2)(c) of the Act, given that the Rural Horticulture Zone contemplates other land uses that may have an interface conflict with horticulture but can be supported if managed appropriately. There are other land uses envisaged in the zone such as 'horse keeping' and 'low intensity animal husbandry' which may be considered similar in nature to the proposed development.

There are existing 'Dog Boarding Kennels' on Brim Brim Road, Yahl road approved in 2014 that were determined to be 'Not Seriously at Variance' when assessed by the Council Development Assessment Panel at that time.

The proposed development is therefore 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*.

Rural Horticulture Zone

Assessment Provisions (AP)

Desired Outcome (DO)

DO 1 *Intensive agriculture in the form of horticulture and associated value-adding enterprises and activities.*

DO 2 *The establishment of appropriately scaled industries for washing, processing, bottling and packaging primary produce and servicing and supporting horticulture.*

DO 3 *Manage interface conflict between horticulture and other land uses.*

Land Use and Intensity

PO 1.1 – DTS/DPF 1.1 (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t)

The productive value of horticultural land for a range of agricultural, intensive horticultural activities and associated value adding, processing, warehousing and distribution activities is supported, protected and maintained. The proliferation of other land uses that may be sensitive to those activities is avoided.

Development comprises one or more of the following:

- a) *Advertisement*
 - b) *Agricultural building*
 - c) *Brewery*
 - d) *Carport*
 - e) *Cidery*
 - f) *Distillery*
 - g) *Dwelling*
 - h) *Dwelling addition*
 - i) *Horse keeping*
 - j) *Horticulture*
 - k) *Industry*
 - l) *Low intensity animal husbandry*
 - m) *Outbuilding*
 - n) *Shop*
 - o) *Small-scale ground mounted solar power facility*
 - p) *Tourist Accommodation*
 - q) *Transport distribution*
 - r) *Verandah*
 - s) *Warehouse*
 - t) *Winery*
 - u) *Worker's accommodation*
- Although the proposed Dog Daycare Facility is not specifically listed in DTS/DPF 1.1 of the Zone, it falls under the definition of *'animal keeping'* in the Planning and Design Code as follows:

'Animal keeping – Means the boarding (short or long term), keeping, breeding or training of animals, except horses and/or commercially kept livestock.'

- The establishment of the Dog Daycare Facility and the activities associated with the development proposal are not considered to impact the use of the land for horticultural / rural industry activities or impede neighbouring properties, noting the locality has a mixed use of rural and horticultural activities, and rural living.
- The development proposal utilises only 0.42 hectares of the 5.09 hectare property. and further supports Tourism, a value-adding use in the Rural Horticultural Zone as many visitors to the Limestone Coast have contacted Mr Laube to board their dogs whilst they visit and enjoy activities within the region.
- Mr Laube advised that he regularly has requests to board 3-4 tourist's dogs per week at the Dog Daycare Facility.

Siting and Design

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

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

- The proposed development is serviced by an all-weather sealed trafficable public road, Square Mile Road, Yahl.

PO 2.2 – DTS/DPF 2.2 (a) (b)

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

- There are no buildings proposed as part of this development proposal.

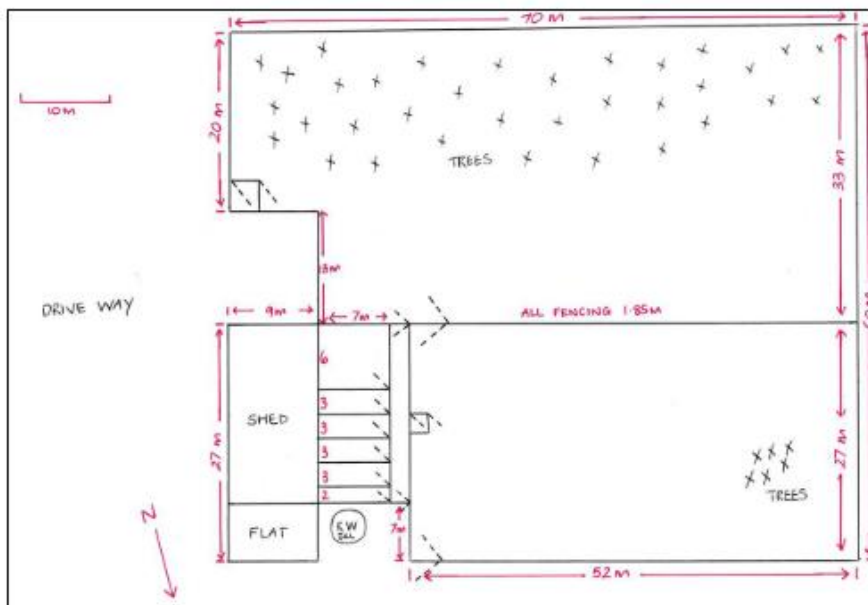
Built Form and Character

PO 11.1 – DTS/DPF 1.1

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*

- There are no buildings proposed as part of this development proposal.
- Whilst this development proposal does not include any structures, visual impact will be minimised with existing and proposed landscaping on the southern, eastern and western boundaries.
- The Yards to be used for the keeping of the dogs are spacious and include existing established trees for shade and spacious lawned areas for the dogs to exercise and enjoy socialising with other dogs.



*Fenced yard areas adjacent the existing shed
Advertisements*

PO 15.1 – DTS/DPF 15.1 (a) (b)

Freestanding advertisements that identify the associated business without creating a visually dominant element within the locality.

- The proposed advertising sign (which was in place and currently removed) has minimal visual impact on the locality and therefore will not dominate the locality. It is simply to identify the property.



Part 3 - Overlays

Hazards (Bushfire – General Risk) Overlay

Assessment Provisions (AP)

DO 1

Development, including land division responds to the general level of bushfire risk by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change.

DO 2

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

Siting

PO 1.1 – DTS/DPF 1.1

Buildings and structures are located away from areas that pose an unacceptable bushfire risk as a result of vegetation cover and type, and terrain.

Built Form

PO 2.1 – DTS/DPF 2.1

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.

Vehicle Access – Roads, Driveways and Fire Tracks

PO 5.1 (a) (b) – DTS/DPF 5.1 (a) (b)

Roads are designed and constructed to facilitate the safe and effective:

- (a) access, operation and evacuation of fire-fighting vehicles and emergency personnel*
- (b) evacuation of residents, occupants and visitors.*

PO 5.3 – DTS/DPF 5.3

Development does not rely on fire tracks as means of evacuation or access for fire-fighting purposes unless there are no safe alternatives available.

- The proposed development is located within a 'General' Bushfire Risk area and contains an existing white metal, all-weather trafficable driveway access to the existing dwelling (rear of property) and the proposed Dog Daycare Facility approx. 138 metres from the primary road.
- The proposed development will not pose an unacceptable bushfire risk and therefore no additional impact to risk of life or assets is anticipated.

Hazards (Flooding – Evidence Required) Overlay

Assessment Provisions (AP)

DO 1

Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.

This overlay takes a precautionary approach to mitigate the potential impact on people, property infrastructure and the environment from potential flood risk through the appropriate siting and design of development.

Flood Resilience**PO 1.1 – DTS/DPF 1.1 (a) (b)**

PO 1 - Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.

DTS/DPF 1.1 (a) (b)

Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300mm above:

(a) the highest point of top of kerb of the primary street

(b) the highest point of natural ground level at the primary street boundary where there is no kerb

- No building work is required for the proposed development and therefore the risk of flooding at the site of the Dog Daycare Facility is minimised.
- Therefore there are no additional measures required to mitigate the potential impact on people, property and infrastructure for this development proposal.

Native Vegetation Overlay**Assessment Provisions (AP)****DO 1**

Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.

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) a declaration stating that the proposal will not, or would not, involve clearance of native vegetation under the Native Vegetation Act 1991, including any clearance that may occur:

 - i. in connection with a relevant access point and / or driveway*
 - ii. within 10m of a building (other than a residential building or tourist accommodation)*
 - iii. within 20m of a dwelling or addition to an existing dwelling for fire prevention and control*
 - iv. within 50m of residential or tourist accommodation in connection with a requirement under a relevant overlay to establish an asset protection zone in a bushfire prone area**

or

- b) a report prepared in accordance with Regulation 18(2)(a) of the Native Vegetation Regulations 2017 that establishes that the clearance is categorised as 'Level 1 clearance'.*

- Existing planted trees on the property will remain.
- No vegetation is to be cleared or impacted by this development proposal.
- The Applicant has declared that ‘the proposed development will not, or would not, involve clearance of native vegetation under the *Native Vegetation Act 1991*.’
- As no vegetation is to be cleared or impacted by this development proposal, there was no trigger for referral to the Native Vegetation Council.

Prescribed Wells Area Overlay**Assessment Provisions (AP)****DO 1**

Sustainable water use in prescribed wells areas.

PO 1.1 - All development, but in particular involving any of the following:

- (a) horticulture*
- (b) activities requiring irrigation*
- (c) aquaculture*
- (d) industry*
- (e) intensive animal husbandry*
- (f) commercial forestry*

has a lawful, sustainable and reliable water supply that does not place undue strain on water resources in prescribed wells areas.

DTS/DPF 1.1 – Development satisfies either of the following:

- (a) the applicant has a current water licence in which sufficient spare capacity exists to accommodate the water needs of the proposed use*

or

- (b) the proposal does not involve the taking of water for which a licence would be required under the 'Landscape South Australia Act 2019'*

- Reticulated mains water is available on the subject land
- There will be no impact upon the existing water supply to the site as a result of the proposed development.
- A Water Licence is there not required and as the development proposal does not involve the taking of water for any listed class of development in PO 1.1 there is no trigger for referral to the Landscape Board.

Water Protection Area Overlay

Assessment Provisions (AP)

DO 1

Safeguard South Australia's public water supplies and ecologically significant areas by protecting regionally and locally significant surface and underground water resources in Water Protection Areas from pollution. This includes considering adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as a result of climate change.

Land Use

PO 1.1 - Development with potential to expose the water supply role of the Water Protection Area to significant adverse water quality risk is avoided to maintain the long term function of the Water Protection Area.

DTS/DPF 1.1 - Development does not involve any one or combination of the following:

- a) fuel depot*
- b) intensive animal husbandry*
- c) special industry*
- d) stock slaughter works*
- e) timber preservation works.*

Groundwater

PO 2.1 – Groundwater resources are protected from pollution by ensuring development does not:

- a) generate or dispose of waste in a manner that would pollute water resources*
- b) involve the storage or disposal of chemicals or hazardous substances in a manner that would pose a risk to water supplies.*

PO 2.2 – DTS/DPF 2.2

Groundwater catchment and recharge characteristics are safeguarded by ensuring development:

- a) retains and protects areas of native vegetation*
- b) Does not inhibit the potential of an aquifer to recharge.*
- Reticulated mains water is available on the subject land.
- There will be no impact upon the existing water supply to the site as a result of the proposed development.
- Mr Laube has advised during a site inspection that he will remove any dog excrement from the yards twice per day and dispose of it in appropriate bags to the licensed waste collection service.

Part 4 - General Development Policies

Advertisements

Assessment Provisions (AP)

DO 1

Advertisements and advertising hoardings are appropriate to context, efficient and effective in communicating with the public, limited in number to avoid clutter, and do not create hazard.

PO 1.1 - Advertisements are compatible and integrated with the design of the building and/or land they are located on.

PO 1.2 - Advertising hoardings do not disfigure the appearance of the land upon which they are situated or the character of the locality.

PO 1.3 - Advertising does not encroach on public land or the land of an adjacent allotment.

DTS/DPF 1.3 - Advertisements and/or advertising hoardings are contained within the boundaries of the site.

PO 1.5 - Advertisements and/or advertising hoardings are of a scale and size appropriate to the character of the locality.

Advertising Content

PO 3.1 - Advertisements are limited to information relating to the lawful use of land they are located on to assist in the ready identification of the activity or activities on the land and avoid unrelated content that contributes to visual clutter and untidiness.

DTS/DPF 3.1 - Advertisements contain information limited to a lawful existing or proposed activity or activities on the same site as the advertisement.

- The proposed advertising sign (which was in place and currently removed) will be located on the front fence of the property.
- It will have minimal visual impact on the locality and therefore will not disfigure the appearance of the land and is contained on the boundary fence and will not encroach onto public land.
- The scale of the advertisement is appropriate.
- The advertisement has appropriate content advertising the Dog Daycare Facility and other facets of the facility.
- The proposed sign is appropriate to the proposed development.

Animal Keeping and Horse Keeping

Assessment Provisions (AP)

DO 1

Animals are kept at a density that is not beyond the carrying capacity of the land and in a manner that minimises their adverse effects on the environment, local amenity and surrounding development.

Siting and Design

PO 1.1 – Animal keeping, horse keeping and associated activities do not create adverse impacts on the environment or the amenity of the locality.

PO 1.2 - Animal keeping and horse keeping is located and managed to minimise the potential transmission of disease to other operations where animals are kept.

Kennels

PO 3.1 - Kennel flooring is constructed with an impervious material to facilitate regular cleaning

DTS/DPF 3.1 – The floors of the kennels satisfy all of the following:

- a) are constructed of impervious concrete*
- b) are designed to be self-draining when washed down.*

PO 3.2 - Kennels and exercise yards are designed and sited to minimise noise nuisance to neighbours through measures such as:

- a) adopting appropriate separation distances*
- b) orienting openings away from sensitive receivers*

DTS/DPF 3.2 - Kennels are sited 500m or more from the nearest sensitive receiver on land in other ownership.

PO 3.3 – Dogs are regularly observed and managed to minimise nuisance impact on adjoining sensitive receivers from animal behaviour.

DTS/DPF 3.3 – Kennels are sited in association with a permanent dwelling on the land.

Wastes

PO 4.1 - Storage of manure, used litter and other wastes (other than wastewater lagoons) is designed, constructed and managed to minimise attracting and harbouring vermin.

PO 4.2 - Facilities for the storage of manure, used litter and other wastes (other than wastewater lagoons) are located to minimise the potential for polluting water resources.

DTS/DPF 4.2 - Waste storage facilities (other than wastewater lagoons) are located outside the 1% AEP flood event areas.

- An inspection of the proposed Dog Daycare Facility was undertaken by Council Officers on 10 February 2025. The yard areas were found to be well maintained, with grass at an appropriate height for summer; and clean with no signs of dog waste or odour, demonstrating that the yards are regularly cleaned and maintained as advised by Mr Laube.

As stated in the Planning Report provided by Ms Lyon, Frank Brennan Consulting Services, Council Officers viewed and can confirm the following during the inspection:

- The proposed development consists of 2 x large, fenced yards and 6 x smaller fenced yards encompassing approx. 4,200 m².
- The yards are fenced with 1.85 metre high open mesh fencing also has smaller chicken wire type fencing buried at the base under the ground and extending the whole perimeter of the yards to ensure no dogs can dig through and wander outside the yards.
- The gateway into the yards has two gates creating a type of lock (similar to those in dog parks and wildlife sanctuaries) to ensure that no dogs can escape while the gate is open.
- The yards contain existing mature trees which provide shade and shelter for the dogs.
- The existing landscaped areas provide a pleasant visual impact which also assists in screening the dog yard areas from neighbouring properties.
- The yard areas are spacious and provide plenty of room for the dogs to enjoy socialisation and exercise.

In addition to the above, Ms Lyon's Planning Report states that:

- Dogs are required to be vaccinated, reducing the risk of transmission of disease.
- The Dog Daycare Facility is not a 'kennel facility' as it only operates during daytime hours and dogs are not kennelled but kept in large open yards.
- The closest sensitive receiver is on the western side of the subject land.
- The proposed development is retrospective and there have been no known complaints.
- The owners residential dwelling is situated on the land ensuring dog behaviour can be monitored at all times.
- Waste management of dog faeces is not considered to cause any adverse impact over the subject land with no feeding of the dogs occurring at the facility, waste is considered minimal.
- Any dog faeces are collected, bagged and disposed of via the local rubbish collection service.

In addition to Ms Lyon's Planning Report, the following is noted as part of my assessment:

- The proposed density of 15-24 dogs is considered appropriate for the areas to be utilised for the Dog Daycare Facility and the proposed method of transport used by Mr Laube to collect the dogs from his client's homes and return them at the end of the day.
- Mr Laube has a small van and associated dog trailer to transport the dogs to and from their home to the land and also to take them to alternate venues e.g. parks, showgrounds etc as advised.
- In the response to representations, Mr Brennan advised that an increase in the number of dogs to a maximum of 30 was sought for Monday to Wednesday. Mr Laube is aware that this may not be acceptable to the RAP Panel members at this stage of the process, and discussion surround this will ensue.
- If the proposed development is managed as documented in the supporting information, there would be no adverse impacts on the environment or the amenity of the locality.
- The provisions relating to kennels will not apply since there are no kennels proposed for this development.

- The exercise yards are not located with the desired separation distance from sensitive receivers. The nearest neighbour on the western side is less than 50 metres from the dog yard fence. The neighbour on the eastern side is less than 90 metres to the dog yard fences. Both sensitive receivers have existing trees to screen the dog yards, with the eastern neighbour also having a driveway and existing 243 m² shed to further mitigate the visual impact.
- With relation to the proximity of the sensitive receivers, noise is predominantly the overarching concern. Based on the change in operation from dog boarding to only daycare of the dogs, it is expected that much of the noise will be reduced.
- Daytime barking is noted as having been problematic for the sensitive receivers and is also expected to be reduced due to the fact that Mr Laube will only have the dogs on his property from approximately 9.30am – 10.00am until 2.30pm – 4.00pm, with some of this time being spent offsite at local parks, showgrounds etc.
- An acoustic report has not been provided with this application and was discussed with Council's Manager of Development Services, as to the justification for not seeking this for the Dog Daycare Facility application. It was agreed that since there was no boarding of dogs, an acoustic report may not be required, and that the development could be conditioned to comply with the EPA's *Environment Protection (Commercial and Industrial Noise) Policy 2023*.
- Constant observation and supervision of the dogs will assist in ensuring the dogs are happy in their environment and less prone to bark. There are some acoustic measures that could also be implemented which will assist with reducing noise to the sensitive receivers without an acoustic report being provided. However, should the RAP members feel that this is required, it could be requested from the landowner. Mr Laube is aware of this possible outcome from the RAP Meeting.
- Waste Management practices with regular removal of faeces are sound and unlikely to cause any pollution, or environmental impact to the subject land or the amenity.

Clearance from Overhead Powerlines

Assessment Provisions (AP)

DO 1 - Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.

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

(b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.

- The Applicant has declared that the development proposal would not be contrary to the regulations prescribed for the purposes of Section 86 of the Electricity Act 1996 as required under these provisions of the Planning and Design Code.

Design

Assessment Provisions (AP)

DO 1

Development is:

(a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area

(b) durable - fit for purpose, adaptable and long lasting

(c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors

(d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.

All Development

Landscaping

PO 3.1 – Soft landscaping and tree planting is incorporated to:

- (a) minimise heat absorption and reflection*
- (b) maximise shade and shelter*
- (c) maximise stormwater infiltration*
- (d) enhance the appearance of land and streetscapes*
- (e) contribute to biodiversity*

- Landscaping is existing on the eastern, western and southern boundaries of the Dog Daycare Facility to mitigate any visual impact to Square Mile Road and sensitive receivers.
- Mature trees are located within the dog yards to provide shade and shelter to the dogs and enhancing the proposed development, the subject land and the amenity of the area.
- The subject land has used locally indigenous plant species to achieve this amenity.

Fences and Walls

PO 9.1 - Fences, walls and retaining walls are of sufficient height to maintain privacy and security without unreasonably impacting the visual amenity and adjoining land's access to sunlight or the amenity of public places.

- The dog yards are fenced with 1.85 metre high open mesh fencing and also has smaller chicken wire type fencing buried at the base under the ground and extending the whole perimeter of the yards to ensure no dogs can dig through and wander outside the yards.
- This fencing is of an adequate height to maintain security of the dog yards for the landowners, visitors and nearby neighbours from any dogs escaping from the yards.

Interface between Land Uses

Assessment Provisions (AP)

DO 1

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

General Land Use Compatibility

PO 1.2 – DTS/DPF 1.2

Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.

- The proposed Dog Daycare Facility is not located with the desired separation distance from sensitive receivers. The nearest neighbour on the western side is less than 50 metres from the dog yard fence. The neighbour on the eastern side is less than 90 metres to the dog yard fences. Both sensitive receivers have existing trees to screen the dog yards, with the eastern neighbour also having a driveway and existing 243 m² shed to further mitigate the visual impact.
- Existing landscaping, the existing shed and driveway serve as existing measures to minimise adverse impacts to sensitive receivers.
- Not providing dog boarding also assists in mitigating noise impact for the development.
- Spacious yards for the dogs to socialise and exercise will also ensure happy dogs that are not likely to bark during daylight hours.

Hours of Operation

PO 2.1 - Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:

- (a) the nature of the development*
 - (b) measures to mitigate off-site impacts*
 - (c) the extent to which the development is desired in the zone*
 - (d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.*
- The proposed density of 15-24 dogs, and the Dog Daycare Facility only operating during daylight hours will reduce the impact to sensitive receivers within the vicinity.

- The type of fencing surrounding the dog yards with no opportunity for dogs to dig their way out will reduce the off-site impact to sensitive receivers, particularly with regard to concern over dogs chasing stock.

Activities Generating Noise or Vibration

PO 4.1 – DTS/DPF 4.1

Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).

- Daytime barking is noted as having been problematic for the sensitive receivers and is also expected to be reduced due to the fact that Mr Laube will only have the dogs on his property from approximately 9.30am – 10.00am until 2.30pm – 4.00pm, with some of this time being spent offsite at local parks, showgrounds etc.
- Existing landscaping, the existing shed and driveway serve as existing measures to minimise noise impacts to sensitive receivers.
- An acoustic report has not been provided with this application and was discussed with Council's Manager of Development Services, as to the justification for not seeking this for the Dog Daycare Facility application. It was agreed that since there was no boarding of dogs, an acoustic report may not be required, and that the development could be conditioned to comply with the EPA's *Environment Protection (Commercial and Industrial Noise) Policy 2023*.
- Constant observation and supervision of the dogs will assist in ensuring the dogs are happy in their environment and less prone to bark. There are some acoustic measures that could also be implemented which will assist with reducing noise to the sensitive receivers without an acoustic report being provided. However, should the RAP members feel that this is required, it could be requested from the landowner. Mr Laube is aware of this possible outcome from the RAP Meeting.
- Any noise generated by the facility is not considered to be unreasonable and has been conditioned to comply with the requirements of the EPA's *Environment Protection (Commercial and Industrial Noise) Policy 2023*.

Transport, Access and Parking

Assessment Provisions (AP)

DO 1

A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.

- The proposed development will not have any traffic impact as the landowner will be collecting dogs from their homes and then returning them later in the day.
- No clients will be dropping off or picking up dogs from the facility.

CONCLUSION

Having regard to the provisions of the Planning and Design Code, the proposed 'Change of Use for Animal Keeping (Dog Daycare Facility) and advertising sign' can be supported in the locality. The proposed development will assist to meet the needs for dog daycare in the Limestone Coast Region.

The use is suitably located within the existing character and amenity of the subject land and will not detrimentally effect the existing use of any rural/horticultural properties within the vicinity. It is noted that the Dog Boarding Kennels approved on Brim Brim Road are also close to sensitive receivers and have had no adverse impact to those sensitive receivers with the boarding of dogs overnight since its approval in 2014.

The siting and design of the proposal has an appropriate level of visual impact on the character and amenity of the locality.

The environmental impact of the proposal is minimal and acceptable.

Noise concerns from the proposed development have been identified and considered and will be reduced by adhering to the management of the facility as outlined in the plans and documentation. RAP Panel members may consider the request in Mr Brennan's response to representation to increase the number of dogs to a maximum of 30, from Monday to Wednesday, It is my conclusion that this should not be considered as part of this Development Application as it was not available to the public during the public notification stage of this Development Application, and the maximum number of dogs should be 24 Monday to Wednesday as originally proposed.

Having regard to the potential impacts of the development, and the mitigation measures proposed to minimise potential impacts the proposed development exhibits sufficient merit to warrant planning consent.

INVITES

The Representor - Sam McCracken

The Applicant - Frank Brennan, Frank Brennan Consulting Services

ATTACHMENTS

1. Application Snapshot [6.3.1 - 4 pages]
2. Application Documents [6.3.2 - 28 pages]
3. Subject Land Map [6.3.3 - 2 pages]
4. Zoning Map [6.3.4 - 3 pages]
5. Representation Map [6.3.5 - 2 pages]
6. Summary of Representations [6.3.6 - 7 pages]
7. Response to Representations [6.3.7 - 2 pages]
8. Relevant P& D Code Policies [6.3.8 - 115 pages]

6.4 DA 23027592 - 83 BAY ROAD, MOUNT GAMBIER - DWELLING ALTERATIONS, ADDITIONS AND PARTIAL DEMOLITION OF AN EXISTING DWELLING

Author: Tracy Tzioutziouklaris, Manager Development Services (City of Mount Gambier)

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 23027592 - 83 Bay Road, Mount Gambier - Dwelling Alterations, Additions and Partial Demolition of an Existing Dwelling' as presented on Thursday 20 February 2025 be noted.
2. The Limestone Coast Southern Regional Assessment Panel determine 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*.
3. Development Application Number 23027592, by Mark Forster and Karen Forster is granted Planning Consent subject to the following reasons conditions:
 - a) The development shall be carried out in accordance with the Plans as approved.
 - b) The window frames shall be a pale colour to match the existing dwelling and not black.

DEVELOPMENT NO.:	23027592
APPLICANT:	Mark Forster Karen Forster
ADDRESS:	83 BAY RD MOUNT GAMBIER SA 5290
NATURE OF DEVELOPMENT:	Dwelling Alterations, Additions and partial demolition of an existing dwelling
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Established Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Affordable Housing • Historic Area • Hazards (Bushfire - Urban Interface) • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Local Heritage Place • Native Vegetation • Prescribed Wells Area • Urban Transport Routes • Water Protection Area <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 8m) • Minimum Frontage (Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 9m; row dwelling is 7m; group dwelling is 20m; residential flat building is 20m) • Minimum Site Area (Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 450 sqm; row dwelling is 350 sqm; group dwelling is 450 sqm; residential flat building is 350 sqm)

	<ul style="list-style-type: none"> • Maximum Building Height (Levels) (Maximum building height is 2 levels) • Minimum Side Boundary Setback (Minimum side boundary setback is 1m) • Site Coverage (Maximum site coverage is 50 per cent)
LODGEMENT DATE:	21 Sept 2023
RELEVANT AUTHORITY:	Regional assessment panel/Assessment manager at Limestone Coast Southern Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) - Version 2023.13 - 31/08/2023
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Tracy Tzioutziouklaris Manager Development Services
REFERRALS NON-STATUTORY:	Ian Hamilton - WRC

DETAILED DESCRIPTION OF PROPOSAL

This application was previously considered by the Limestone Coast Southern Regional Assessment Panel at its meeting held in December, 2023.

The application is for alterations and additions to an existing dwelling at 83 Bay Road, Mount Gambier which is a Local Heritage Place.

The alterations and additions involve internal alterations to the dwelling and to construct an extension to the rear of the dwelling. The extension is to incorporate an open plan kitchen/Dining/Lounge area with a separate bathroom and laundry. An outside alfresco area is to be constructed to the northern side of the dwelling extension. The original part of the house will contain three bedrooms, master with ensuite and walk in wardrobe, bathroom and formal lounge room.

The proposed extension is to be constructed using colourbond vertical external wall cladding and colourbond roof sheeting, and will be clearly distinguishable from the original Local Heritage listed place.

The proposed addition/extension is to be surfmist in colour with western red cedar trim. The designer and Council's Heritage Adviser have been working together and have reached agreement on a number of aspects of the design.

The new design incorporates an easier and more direct route to the new addition and has been shifted further behind the existing house to limit the visual appearance from the street. The roof pitch for the addition is matching with the existing house.

The flat roof alfresco has been relocated to the northern side of the addition and while this part of the addition is still visible from the street.

Colours and materials of the new addition have been changed to a lighter colour) to differentiate the original building with the new extension. The cladding around the outside of the flat roof alfresco is a lighter coloured hardwood material or similar.

Natural light is still a big priority with lot of glass to the northern elevation, however the window mullions are spaced about 900mm apart to help keep in proportion with the windows of the existing house.

BACKGROUND

The Limestone Coast Southern Regional Assessment Panel considered this application at its meeting held on 14th December, 2023. At this meeting the Panel determined:

- “1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/85200 titled ‘DA:23027592 - 83 Bay Road, Mount Gambier - Dwelling alterations, additions, and partial demolition of an existing dwelling’ as presented on 14 December 2023 be noted.
2. The Applicant be requested to reconsider the bulk, scale and proportions of the proposed development that will be visible from the west and North of the subject land.”

SUBJECT LAND & LOCALITY:**Site Description:**

Location reference: 83 Bay Road, Mount Gambier

The subject allotment has a rectangular configuration with a northern and southern boundary length of 109.12 metres and a western and eastern boundary length of 24.74 metres. The total allotment area is 2,699 square metres.

The site contains two (2) dwellings and two (2) garages and has access to the west from Bay Road with an existing driveway located along the southern boundary.

Locality

The subject land is located within the Established Neighbourhood Zone and Overlays, particularly the Historic Area – MtG1 Overlay, Heritage Adjacency Overlay and the Local Heritage Place – 13700 Overlay.

Surrounding land in this location is also located within the Established Neighbourhood Zone and HThe Historic Area overlay and are developed with residential dwellings which include outbuildings.

The land is located on the rise of the hill, to the east of Bay Road with the higher side of the allotment along the southern boundary, sloping down to the north.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:**● PER ELEMENT:**

Dwelling alteration or addition

Demolition

Dwelling addition: Code Assessed - Performance Assessed

Building Alterations: Code Assessed - Performance Assessed

Partial demolition of a building or structure: Code Assessed - Performance Assessed

● OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

● REASON

The subject land is located within the Historic Area overlay.

PUBLIC NOTIFICATION**● REASON**

This application was placed on public notification as the development involves the partial demolition of a Local Heritage Place.

At the conclusion of the public notification process two representations were received, of which one representor attended the meeting of the Panel in December 2023 to speak to their representation.

Both representors objected to the development for the following reasons:

- Proposed design does not respect the heritage area,
- No consideration for the heritage and local historical significance,
- Not in keeping with the local heritage of the area and does not respect the historical value of the surrounding homes,
- Extension does not blend with the existing character of the homes and the area,
- Does not complement the existing building,
- Streetscape character will be impacted, and
- Visual impact of extension from their home.

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

- Mr Ian Hamilton – Local Heritage Adviser

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

Question of Seriously at Variance

The proposed development comprises alterations and additions to an existing dwelling which is a Local Heritage Place. It is located in the Established Neighbourhood Zone and the Historic Area Overlay. Development of this nature is appropriate within the site, locality or in the subject Zone and Historic Overlay for the following reasons:

- The development is a residential form of development which is envisaged in this Zone,
- The development proposed alterations and additions to ensure a Local Heritage Place is able to be adapted and used in accordance with the current lifestyle and ensure the longevity of the Heritage Place.
- The proposed alterations and additions will facilitate the better enjoyment of the existing dwelling.

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*.

The proposed development has not altered significantly to the extent that would warrant the public notification process to be repeated. The representor has already appeared before the Panel in support of their representation.

Heritage

The amended design has been undertaken in accordance with discussions with Council's Heritage Adviser. It is considered the amendments have addressed a number of concerns raised, and now warrants support and the granting of Planning Consent.

The original concerns with the Application were in respect to:

- a. The massing, proportions, scale and choice of materials of the proposed addition has no relationship to the existing heritage place,
- b. The scale and proportion of windows considered to be inappropriate, and
- c. landscape screening is not a permanent measure to screen a development from public view.

The siting of the addition has been adjusted to better align with the siting of the existing dwelling which helps to minimise its visual appearance from the street. The alfresco area will be visible from the street, however it is setback some distance behind the main face of the dwelling and will not be a dominant visual element from the street. The proposed development maintains the predominant streetscape character.

The development as proposed satisfies numerous provisions within the Planning and Design Code for a residential form of development such as site coverage, private open space, carparking, building height, setbacks and is constructed behind the main face of the dwelling.

CONCLUSION

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*.

The design of the proposed development has been undertaken in consultation with Council's Heritage Advisor and has addressed the concerns previously considered by the panel. The proposed design is considered to be sited unobtrusively and do not conceal or obstruct heritage elements and detailing or dominate the Local Heritage Place and its setting. The development also facilitates the reuse and revitalisation of a Local Heritage Place to support its retention in a manner that respects and references the original use of the Local Heritage Place.

INVITES

Nil

ATTACHMENTS

1. Application Summary - 83 Bay Road [6.4.1 - 4 pages]
2. Certificate of Title - 83 Bay Road [6.4.2 - 2 pages]
3. Planning Report - 83 Bay [6.4.3 - 25 pages]
4. Photos - 83 Bay Road [6.4.4 - 4 pages]
5. Assessment Panel Report - December 2023 - 83 Bay Road [6.4.5 - 17 pages]
6. Representations - 83 Bay Road [6.4.6 - 6 pages]
7. Response to Representations - 83 Bay [6.4.7 - 11 pages]
8. Amended Plans - 83 Bay Road [6.4.8 - 19 pages]
9. Planning and Design Code - 83 Bay Road [6.4.9 - 28 pages]

7 URGENT MOTIONS WITHOUT NOTICE

8 MEETING CLOSE