

AGENDA

Limestone Coast Southern Regional Assessment Panel

Thursday 19 June 2025



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

Time: 5:00 pm

Date: Thursday 19 June 2025

Location: 324 Commercial Street West, Mount Gambier

Tracy Tzioutziouklaris
ASSESSMENT MANAGER
13 June 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 10 April 2025 be confirmed as an accurate record of the proceedings of the meeting.

4 QUESTIONS WITHOUT NOTICE

Nil

5 INVITEES

Invitees for Item 6.1 - 418 Worrolong Road, Worrolong

The Representor - Peter and Maria Knightly

The Applicant – Mark Kwiatkowski

The Applicant - Distribution Energy Storage Project No.31 Pty Ltd

Invitees for Item 6.2 - 176 Pelican Point Road, Pelican Point

The Representor - Rose Pratt

The Representor - Clive and Cherryl Hill

The Applicant – Ian Weber

The Applicant – Jason Cooper

Invitees for Item 6.3 - Compton SA 5291

The Applicant – Frank Brennan on behalf of Ehomes Pty Ltd

6 REPORTS

6.1 DA 25006007 - 418 WORROLONG ROAD, WORROLONG - RENEWABLE ENERGY FACILITY

Author: Ben Victory, Planning Consultant

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 25006007 - 418 Worrolong Road, Worrolong - Renewable Energy Facility' as presented on Thursday 19 June 2025 be noted.
2. It is recommended that the Limestone Coast Southern Regional Assessment Panel resolve that:
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 25006007, by Distribution Energy Storage Project No 31 Pty Ltd is granted Planning Consent subject to the following conditions.

CONDITIONS

Planning Consent

Condition 1

The development must be undertaken in accordance with the plans and associated documentation comprising the Development Application, 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

In accordance with the Traffic Impact Statement by Phil Weaver & Associates, traffic movements after the construction period shall be limited to left turn entry and exit. The driveway crossover to Preece Road shall be completed to the reasonable satisfaction of the District Council of Grant.

Condition 3

The recommendations in the Bushfire Risk Assessment by Practical Ecology shall be implemented, including for an Asset Protection Zone, maintenance of vegetation, access and water supply to the Country Fire Service standards, and an emergency management plan that shall be provided to the District Council of Grant.

Condition 4

In accordance with the recommendations in the report by WMG Acoustics, the finalised design shall be reviewed by an acoustic consultant to ensure that the outcomes comply with relevant noise criteria. A copy of this finalised design shall be provided to the District Council of Grant.

Condition 5

Outdoor lighting shall accord with the relevant Australian Standard, currently AS/NZS 4282:2019.

Condition 6

The buildings shall be finished in low-reflective, muted colours to blend with the surrounding landscape.

Condition 7

The landscaping buffer around the perimeter of the development shall be planted in the first planting season after construction, with a mix of trees, shrubs and ground covers indigenous to South Australia and the locality. This landscaping shall also accord with the bushfire risk considerations, and be maintained and replaced whenever necessary.

ADVISORY NOTESPlanning Consent**Advisory Note 1**

In accordance with the Native Vegetation Clearance report by Ecosphere Ecological Solutions, the Significant Environmental Benefit payment for Level 1 clearance shall be made to the Native Vegetation Fund.

DEVELOPMENT NO.:	25006007
APPLICANT:	Distribution Energy Storage Project No 31 Pty Ltd
ADDRESS:	418 Worrolong Road, Worrolong SA 5291
NATURE OF DEVELOPMENT:	Construction of a Renewable Energy Facility (4.98MW) incorporating Distribution Battery Energy Storage System (DBESS), Medium Voltage Power Station (MVPS) - including 4 battery pods, switchgear and transformer), single electrical pole, security fencing and access gates, 72,000 litre fire water tank, landscaping, 170 sqm soakage basin and open drainage
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Rural Overlays: <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 Technical Numeric Variations (TNVs): <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:	21 Mar 2025
RELEVANT AUTHORITY:	Limestone Coast Southern Regional Assessment Panel

PLANNING & DESIGN CODE VERSION:	Version 2025.5 13/3/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Ben Victory Planning Consultant
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

DETAILED DESCRIPTION OF PROPOSAL:

The proposal has been described as the 'Construction of a Renewable Energy Facility (4.98MW) incorporating Distribution Battery Energy Storage System (DBESS), Medium Voltage Power Station (MVPS) - including 4 battery pods, switchgear and transformer), single electrical pole, security fencing and access gates, 72,000 litre fire water tank, landscaping, 170 sqm soakage basin and open drainage'.

The planning consultant Adelaide Planning and Development Solutions (APDS) provided a planning report with the application. In describing the proposal, it firstly refers to the Land Use Definitions Table in the Planning and Design Code, which defines a 'Renewable Energy Facility' as:

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.*

Furthermore, it specifically lists 'Battery Storage Facility' as falling into the above definition as an 'inclusion.'

Therefore, the application seeks the construction of a 'Battery Energy Storage System associated infrastructure that includes:

- Removal of all vegetation within the fenced BESS area
- Installation of a MVPS and 4 battery pods on concrete pad footings
- SVG Switchgear
- SVG Transformer
- Single electrical pole (inside the fenced area) providing connection between existing electrical infrastructure on the western side of Preece Road and (eastern side of subject land).
- Security fencing, access gates
- Vehicle access driveway and crossover to Preece Road
- 72,000 litre rainwater tank with CFS connections
- Landscaping
- Surrounding post and wire farm fence
- 170 sqm soakage basin and open drainage located outside of fenced area.

Attachment 1 provides all application plans and details, including:

- Figure 1 below is an extract of the site plan in the application, showing the location of the BESS in the southeast corner of the allotment, including the driveway from Preece Road and the stormwater basin to the west.



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

Location reference: 418 WORROLONG RD WORROLONG SA 5291

Title ref.: CT 6143/591 **Plan Parcel:** H420400 SE308 **Council:** THE DC OF GRANT

As above, the site of the development is a relatively small portion of the southeastern part of the allotment. The overall allotment is approximately 32.6ha in area, with a northern frontage of approx. 573m to Worrolong Road and an eastern frontage of approx. 572m to Preece Road. A dwelling, outbuildings and farm buildings are close to Worrolong Road in the northwestern part of the allotment. The land is undulating, mostly clear of vegetation and used for farming in form of grazing.

Worrolong Road is sealed and line-marked. Preece Road is generally unsealed along the frontage of this land, except for the northern end near the intersection. Overhead powerlines are provided to the dwelling and a farm building on Worrolong Road, and along the western side of Preece Road to provide a connection to this proposed Renewable Energy Facility (REF).

Figure 2 below is an extract of the overview/context plan in the application, showing the location of the REF in the southeast corner of the allotment, and with reference to the plan in Figure 1 above.

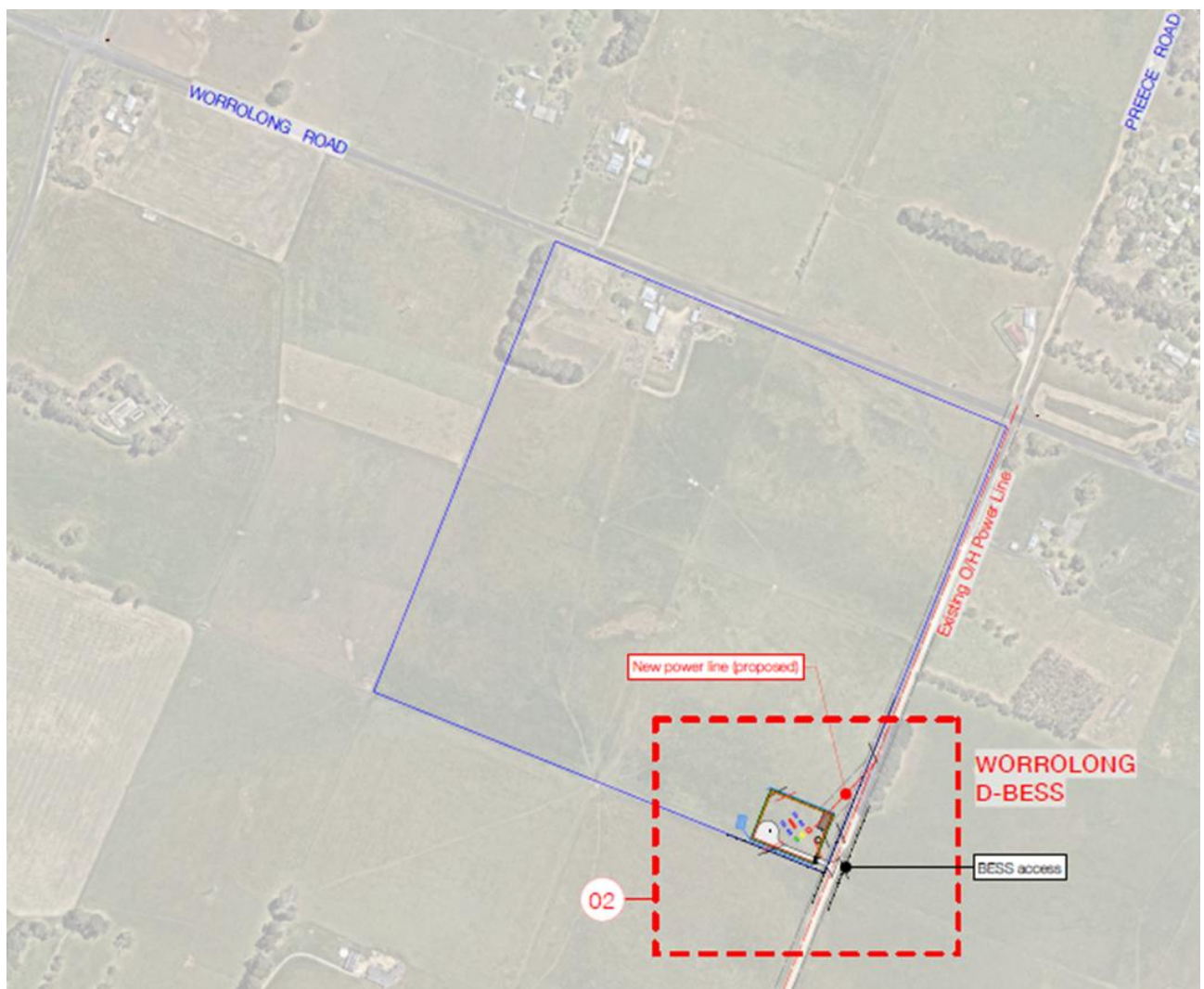


Figure 2: Overview/context plan plan with the REF in the southeastern corner of the allotment

Locality

Within the locality, the subject land is in the Rural Zone mainly used for farming and commercial forestry between the northeastern boundary of Mount Gambier (the edge of the Mount Gambier Golf Club), and the southwestern boundary of the Rural Living Zone of Worrolong. Glenburnie is also mainly a farming locality, to the south of Bishop Road and east of Mount Gambier.

Refer to Figure 3 below for a locality plan showing the site tagged with zoning, road names, and allotment and suburb boundaries:

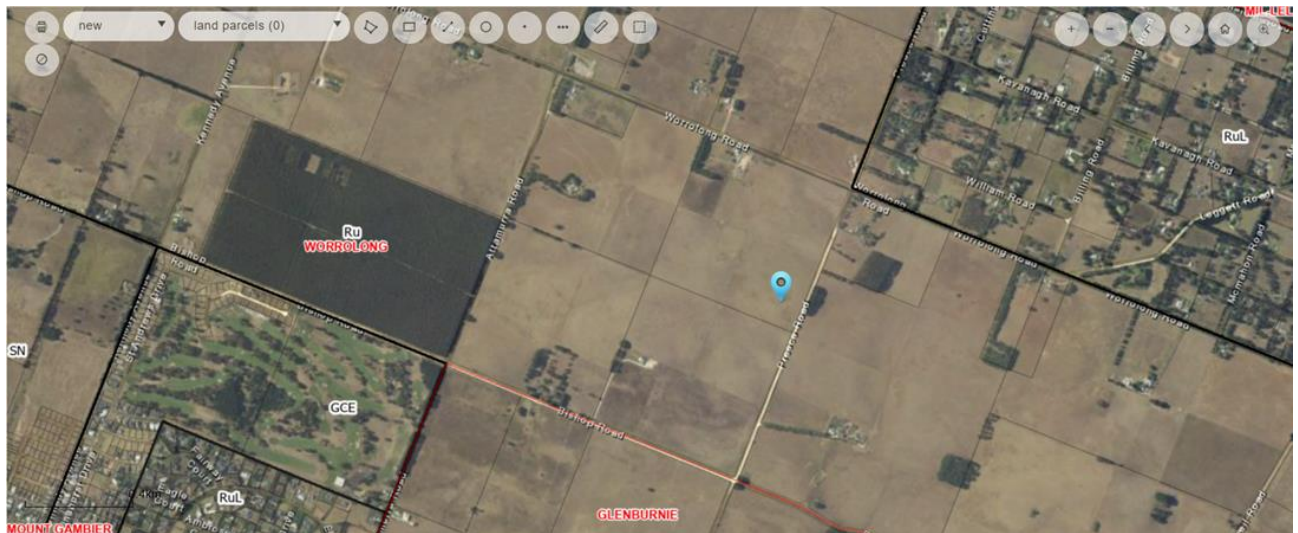


Figure 3: Locality plan

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER** **ELEMENT:**
Other - Infrastructure - Construction of a Battery Energy Storage System and associated infrastructure: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code - does not meet the 'Accepted' assessment pathway, does not meet the 'Deemed to Satisfy' assessment pathway and is not listed as 'Impact Assessed - Restricted' development. It therefore defaults to the 'Performance Assessed' assessment pathway.

PUBLIC NOTIFICATION

Reason

It is not listed as an 'excluded' form of development within Table 5- Procedural Matters (PM) - Notification of the Rural Zone.

Representations

Five representations were received, one of which wishes to be heard, as set out in the table and Figure 4 below:

#	Name	Address	To be heard?	Position
1	Anthony Greene	101 Kavanagh Road, Worrolong	No	Oppose
2	Michelle Greene	101 Kavanagh Road, Worrolong	No	Oppose
3	Peter and Maria Knightly	121 Preece Road, Worrolong	Yes	Oppose
4	Michael Cornish	47 Orontes Avenue, Bridgewater	No	Support with some concerns
5	Andrew Martin	PO Box 325, Mount Gambier	No	Oppose



Figure 4: Representations map

The following issues were raised:

- Potential danger from batteries – fire etc
- Noise
- Electromagnetic radiation
- Soil contamination
- Visual amenity
- Wildlife impacts
- Traffic
- Stormwater
- Desire for landscaping screen to use native vegetation
- Future development plans for Worrolong

Response to Representations

The planning consultant APDS provided a response to the representations, noting the following:

- A Renewable Energy Facility is an envisaged land use in the Rural Zone.
- The development is supported with a Bushfire Risk Assessment prepared by Practical Ecology. In addition to the Planning & Design Code provisions for the Hazards (Bushfire -

General) Overlay, the development will also require a Building Consent to the National Construction Code standards, as well as meeting the relevant Australian Standards.

- An Environmental Noise Assessment has been prepared by WMG Acoustics. It concludes that noise received at nearby dwellings will be within the relevant limits in the *Environment Protection (Commercial and Industrial Noise) Policy 2023*.
- No oils, chemicals, heavy metals or other hazardous substances will be stored on-site that could result in site contamination. At the end of the development life, the batteries and structures are removed from the site, which can be returned to farming or another land use.
- Electromagnetic fields are well within the standards set by the Australian Radiation Protection and Nuclear Safety Agency.
- Visual impacts are limited, given the relatively small structures and site area, surrounding landscaping and lack of nearby dwellings. The Rural Zone anticipates a 'renewable energy facility', so the necessary structures are anticipated with some potential visual impacts. However, they are smaller than many farm buildings or other anticipated agricultural industries, will be finished in muted colours to harmonise with the landscape, and screened by a 2m wide landscaped buffer.
- There are no identified wildlife impacts. Native vegetation impacts are limited to a small area of road verge for the driveway and connections, amounting to a low level of clearance under the Native Vegetation Act. The landscaped buffer will use native species.
- Traffic impacts during and after construction have been assessed by a consultant traffic engineer. The access is safe and convenient for the various vehicles needing access, including emergency services. Traffic volumes are also well within the capacity of the road network.
- Stormwater and groundwater considerations have been addressed by the consultant reports from TMK and Water Technology.

In relation to the issue of future development plans for Worrolong, the District Council of Grant prepared a Strategic Land Use Priorities report dated October 2024. It recommends consideration of a Code Amendment to extend the Worrolong Rural Living Zone to the south and east, and suggests a minimum allotment area of 1ha. The recommended area is shown below in Figure 4, with the approximate siting of the proposed REF marked with a red cross opposite Preece Road to the west/ southwest of Area 3:



Figure 4: Suggested potential expansion of Worrolong Rural Living Zone

The southwestern edge of Area 3 above on Preece Road is approximately 200m northeast of the proposed siting for REF.

The State Planning Commission has also released the Draft Limestone Coast Regional Plan for consultation. It notes this potential Code Amendment to investigate the identified Rural Zone areas in Worrolong and their suitability to be rezoned to Rural Living Zone. It suggests this investigation could occur by the council within the next five years.

For the purpose of this assessment under the *Planning, Development & Infrastructure Act 2016*, the Regional Assessment Panel must consider the current Planning & Design Code provisions. This includes the current Zoning, Overlays and General Development Policies.

PLANNING ASSESSMENT

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

The planning report from APDS provides a detailed planning assessment, so the assessment that follows is focused on the most relevant issues and Code provisions.

Question of Seriously at Variance

The proposed development comprises a renewable energy facility, which is an anticipated use in the Rural Zone. Development of this nature is appropriate within the site, locality and the subject Zone, being relatively modest in scale and sited away from neighbouring dwellings and other sensitive uses.

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*.

Rural Zone

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.

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

DPF 1.1 - Development comprises one or more of the following:

s) Renewable energy facility

PO 9.1 - Renewable energy facilities and ancillary development minimises significant fragmentation or displacement of existing primary production.

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

- c) having substantial setbacks from boundaries and adjacent public roads*
- c) using low-reflective materials and finishes that blend with the surrounding landscape*
- c) being located below ridgelines.*

A renewable energy facility is envisaged in the zone. This takes up a relatively small proportion of the large farming allotment and is sited in the corner close to a road with the necessary connecting infrastructure. Accordingly, it is well sited for its purpose, while minimising the loss of agricultural land.

It is also sited low in the landscape and with sufficient setbacks from the road, neighbouring land and dwellings to have minimal visual and interface impacts. The associated structures are relatively small compared with buildings that can also be supported in the zone, will be finished in muted colours, and will be well screened by the proposed landscaping.

Overlays

- The Hazards (Bushfire - General) Overlay seeks to ensure development responds to the general level of bushfire risk by siting and designing buildings to mitigate threat and impact of bushfires on life and property and facilitate access for emergency service vehicles. The relevant provisions have been considered in the assessment by the various consultants, including the:
 - asset protection zone clearances
 - vehicle access and turnaround
 - water supply and equipment
 - relevant Australian Standards, *Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements*, and other building standards to be assessed as part of the Building Consent stage.
- The Hazards (Flooding - Evidence Required) Overlay adopts a precautionary approach to mitigate potential impacts of potential flood risk through appropriate siting and design of development. This has been considered in the plans and consultant reports by TMK and Water Technology.
- The Native Vegetation Overlay seeks to protect, retain and restore areas of native vegetation. The Native Vegetation Clearance report by Ecosphere Ecological Solutions identified a Level 1 clearance for 200m² of low-level vegetation in the road reserve for the driveway and infrastructure connections. The relevant Significant Environmental Benefit payment will be made to the Native Vegetation Council.
- The Water Protection Area Overlay seeks to safeguard South Australia's public water supplies by protecting regionally and locally significant surface and underground water resources from

pollution. These provisions have been addressed in the plans and consultant reports by TMK and Water Technology.

General Development Policies

Infrastructure and Renewable Energy Facilities

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:

- f) utilising features of the natural landscape to obscure views where practicable*
- f) siting development below ridgelines where practicable*
- f) avoiding visually sensitive and significant landscapes*
- f) using materials and finishes with low-reflectivity and colours that complement the surroundings*
- f) 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 - Pumping stations, battery storage facilities, maintenance sheds and other ancillary structures incorporate vegetation buffers to reduce adverse visual impacts on adjacent land.

PO 2.3 - Surfaces exposed by earthworks associated with the installation of storage facilities, pipework, penstock, substations and other ancillary plant are reinstated and revegetated to reduce adverse visual impacts on adjacent land.

PO 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 - 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.

PO 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**
- a) grouping utility buildings and structures with non-residential development, where practicable.*

PO 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.

The proposed development, supported by the plans and consultant reports, is considered to satisfy these provisions. Renewable energy facilities are anticipated in the zone, and this proposal is suitably sited and designed to respond to the relevant issues, including the site and interface treatments.

Interface Between Land Uses

PO 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.

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

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

The report by WMG Acoustics concludes that with the inclusion of a tonal character adjustment, residual noise levels at nearby dwellings will be below the Indicative Noise Levels and below the nominated target value. It is recommended that the finalised design is reviewed by an acoustic consultant to ensure that the outcomes comply with relevant criteria.

The site of the development is considered to have sufficient separation and interface treatments to satisfy these provisions.

Transport, Access and Parking

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

PO 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.

The Traffic Impact Statement by Phil Weaver & Associates supports the access arrangements to the BESS from Preece Road, during and after construction. It will be suitable for the various types of vehicles using the site, including provision for emergency service vehicles.

CONCLUSION

The proposed development is not seriously at variance with the Planning and Design Code. It sufficiently satisfies the relevant Code provisions and warrants Planning Consent subject to conditions.

INVITES

Representors – Peter and Maria Knightly

Applicant – Mark Kwiatkowski

Applicant - Distribution Energy Storage Project No.31 Pty Ltd

ATTACHMENTS

1. Planning and Design Code [6.1.1 - 117 pages]
2. Attachment 2 Representations [6.1.2 - 9 pages]
3. Attachment 3 Response to Representations [6.1.3 - 10 pages]
4. Public Notification Documents [6.1.4 - 125 pages]

6.2 DA 24037292 - 176 PELICAN POINT ROAD, PELICAN POINT - OUTBUILDING AND VERANDAH

Author: Trudy Glynn, Planning Officer

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24037292 - 176 Pelican Point Road, Pelican Point - Outbuilding and Verandah' as presented on Thursday 19 June 2025 be noted.

2. It is recommended that the Limestone Coast Southern Regional Assessment Panel resolve that:

1. The proposed development comprising an Outbuilding (Garage) and associated Verandah 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* for the following reasons:

(a) The proposed land use is not prejudicial to the Desired Outcome of the Open Space 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 Open Space zone supports many existing built form land uses (including dwellings and ancillary outbuildings) amongst the areas of natural and landscaped open space.

2. 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 24037292, by Ian Weber, that planning consent is **granted** subject to the following conditions:

1. The development must be undertaken in accordance with the plans and associated documentation comprising the Development Application 24037292, 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.

2. The use of the building herein approved shall be restricted to storage only of domestic vehicles and/or articles, as stated in the application documents.

3. All stormwater from the building must discharge directly into a rainwater tank, unless otherwise agreed to by Council.
4. All stormwater and/or rainwater tank overflow shall discharge away from the effluent system.
5. All stormwater and/or rainwater tank overflow shall be discharged so as not to affect adjoining properties.
6. Any hazardous chemicals including fuel, plus mechanical and electrical equipment vulnerable to water ingress, should be made safe from a coastal flooding risk and therefore be raised to the Coast Protection Board's minimum recommended level of 2.85 metres Australian Height Datum.
7. 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.

ADVISORY NOTES

1. You are reminded that this property is subject to a Land Management Agreement (LMA), whereby you may be required to seek other approvals or to meet other requirements. You should check your obligations under this Agreement prior to commencing work.
2. Based upon current knowledge and information, the development and development site is at some risk of coastal erosion and inundation due to extreme tides notwithstanding any recommendations or advice herein, or may be at future risk. Neither erosion nor the effect of sea level change on this can be predicted with certainty. Also, mean sea level may rise by more than the 0.3 metres assumed in assessing this application.

Accordingly, neither the South Australian Coast Protection Board/District Council of Grant nor any of its servants, agents or officers accept any responsibility for any loss of life and property that may occur as a result of such circumstances.

3. The *Native Vegetation Data Report* prepared by Peter Tucker, Consultant has identified the requirement to pay an offset amount to the Native Vegetation Council. The Applicant shall seek advice from the Native Vegetation Council regarding his obligations under the *Native Vegetation Act 1991* and make any necessary application or payments prior to the removal of any native vegetation.

DEVELOPMENT NO.:	24037292
APPLICANT:	Ian Weber
ADDRESS:	176 Pelican Point Road Pelican Point SA 5291
NATURE OF DEVELOPMENT:	Outbuilding (Garage) and associated Verandah
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Open Space Overlays: <ul style="list-style-type: none"> • Coastal Areas • Hazards (Bushfire - General)

	<ul style="list-style-type: none"> • Hazards (Bushfire - Medium Risk) • Hazards (Flooding - Evidence Required) • Native Vegetation • Prescribed Wells Area • Water Protection Area Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Finished Ground and Floor Levels (Minimum finished ground level is 2.5m AHD; Minimum finished floor level is 2.75m AHD)
LODGE MENT DATE:	6 Jan 2025
RELEVANT AUTHORITY:	Regional Assessment Panel/Assessment Manager at Limestone Coast Southern Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.23 – Operational from 19 December 2024 to 15 January 2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes – 19 landowners notified 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 with the relevant authority for a 12.7m x 11.5m x 4.5m split face dolomite stone walled and Colorbond roofed Outbuilding (Garage) with a 7.6m x 3m x 2.4m attached Verandah with Colorbond roof on the subject land on a small coastal allotment in the Open Space Zone.

The Applicant proposes to store a caravan, recreational fishing boat, 4WD vehicle and associated domestic and recreational equipment within the proposed outbuilding. A roller door height of 4.2 metres is required to accommodate the height of the caravan and recreational fishing boat. There will be a small sink and a sump (20 litre capacity) to capture runoff from the wet vehicles and boat. The runoff water will be directed to a soak well on the site.

The allotment adjoins a beach access track on the eastern side which the Applicant proposes to use to tow his boat and trailer in a forward direction when entering and exiting the property. The previous plan which was put to public notification (and included as 'superseded' for context) did not contain this option.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 176 PELICAN POINT RD PELICAN POINT SA 5291

Title ref.: CT 6137/993 **Plan Parcel:** D84065 AL74 **Council:** THE DC OF GRANT

The subject land is reasonably flat, located on the seaward side of Pelican Point Road and contains an existing dwelling facing the sea (Bungaloo Bay) to the south and a small outbuilding facing north. There is an easement running across the allotment which contains Council's effluent drainage (CWMS) infrastructure.

The rectangular shaped allotment has a road frontage of approx. 17.94 metres, area of 985m² and adjoins a beach access track on the eastern side. There is some vegetation on the north-western side of the allotment which was planted by the former landowner and which Mr Weber proposes to remove to site the proposed development.

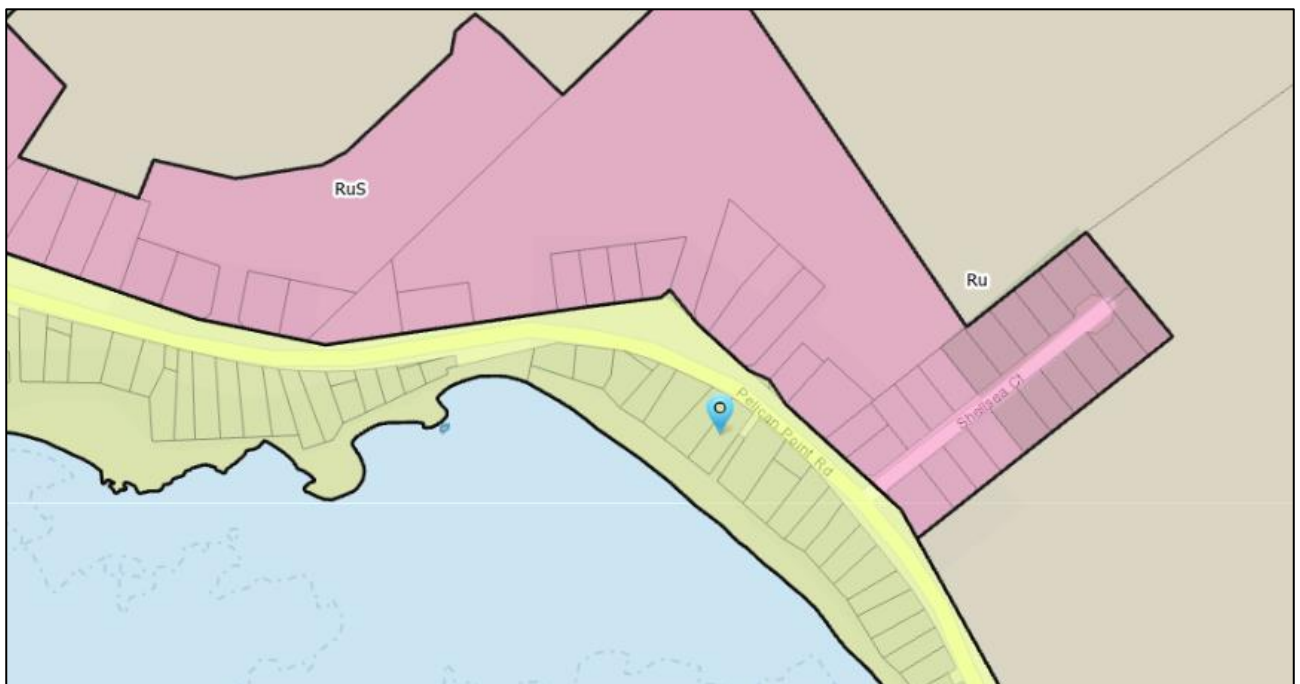
Locality

The locality is characterised as a holiday settlement area with smaller allotments containing both dwellings and outbuildings utilised for both holiday makers and permanent residents in the Open Space and Rural Settlement Zones. The Open Space Zone is on the southern side of Pelican Point Road, and the Rural Settlement Zone is predominantly on the northern side of Pelican Point Road.

Adjoining these zones to the east and north are some larger Rural Zoned farming allotments, with a reasonable coverage of native vegetation. To the east along the Coastal Road is the township of Blackfellows Caves and to the west, Carpenter Rocks.



Google Earth – 8 March 2025



SAPPA Mapping – 8 March 2025

CONSENT TYPE REQUIRED:
Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Carport or garage
Verandah: Code Assessed - Performance Assessed
Outbuilding (Carport or garage): Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code

PUBLIC NOTIFICATION

- **REASON**

Outbuilding that does not satisfy Open Space Zone DTS/DPF 2.2 (a) (b) and (c)

- **LIST OF REPRESENTATIONS**

Nineteen (19) adjoining landowners were notified that the development proposal was on public notification from 13 Jan 2025 until 3 Feb 2025.

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.	Chris Lovelock 177 Pelican Point Road	<ul style="list-style-type: none"> • I oppose the development 	No
2.	C and CA Hill 172 Pelican Point Road	<ul style="list-style-type: none"> • I support the development with some concerns 	Yes (no longer wishes to speak - advised to Council 10 Jun 2025)
3.	Ross Pratt 175 Pelican Point Road	<ul style="list-style-type: none"> • I oppose the development 	Yes

SUMMARY

In summary the representors have collectively raised the following concerns:

- Reversing of long car & caravan/boat across main road near bend
- Believe that bushes are Native Vegetation
- Should have own driveway & access from garage
- Safety to blind corner
- Destruction of native vegetation
- Obstruction to neighbour's solar panels
- Fact if levelling of site and base then concrete, raises the height higher
- Proposed building is far too high for the area
- Safety of general road users is a concern
- Hazard and blocking of road when manoeuvring into the shed

Refer to Attachment 5 for the combined Summary of Representations

RESPONSE TO REPRESENTATIONS

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

Traffic Management – the proposed shed building is to be setback a further 3 metres from the Pelican Point Road boundary, giving a setback of 4.0 metres at the nearest point. The road verge

adjacent to proposed shed is also wide at this location (approximately 6.0 metres) providing adequate room to back the caravan into the shed while not parked on the road. The caravan will only be moved a negligible number of times a year. Further, the shed bay to store the

recreational boat will now be drive-thru, thereby negating the need to reverse the boat into the shed.

Native Vegetation – I am advised by the landowner the vegetation on the site is planted native vegetation and as such its clearance is not covered by the provisions of the *Native Vegetation Act 1991*.

Solar Panels Shading - the potential overshadowing of the solar panels on the shed on the adjoining property has been investigated. Using the Suncalc.org website, on 21 June when the sun is the lowest in the sky and using the overall height of the proposed shed at 6.6 metres, it is demonstrated in the screenshots below from the software taken at sunrise (6:54 am), 9:00 am, 12:00 noon & 3:00 pm, the proposed shed does not negatively impact on the solar panels on the adjoining shed.

Shed Size - the size of the proposed shed is commensurate with the size of other sheds along Pelican Point Road and the applicant has demonstrated the need for the size of the shed both in floor area and height to store their recreational boat, caravan and vehicle.

AGENCY REFERRALS

Not required

Coast Protection Board - The relevant authority has considered this outbuilding and verandah to be minor in nature based on the location of the proposed development on the allotment, being non-habitable and that this allotment is in the designated 'low priority risk' area for Council's Pelican Point Coastal Protection Seawall Design Works – undertaken by Tonkin Consulting 2016

Refer to Attachment 9 – Pelican Point Seawall Strategy

Native Vegetation Council – Referral is not required unless the clearance is determined to be 'Level 3' or 'Level 4' clearance. The relevant authority requested and received a Data Report from an accredited Consultant, who identified the clearance as Level 1 Clearance

INTERNAL REFERRALS

Works and Infrastructure Department – Director of Works and Infrastructure

Council's Director of Works and Infrastructure, Mr Tony Jordan (and former Director of Works and Infrastructure, Adrian Schutz) were consulted and responded advising the following:

'We have looked at the vegetation and typical sight distances (particularly approaching this property from the S/E) and given that this environment is a 50km/h speed zone don't believe it poses any more risk to road users than other sheds accessed from the road along this stretch of road.'

If there is speeding motorists, this should be taken up as a policing matter as it effects any vehicle type entering/exiting their properties.

Reversing vehicles/trailers into properties and using part of the road is a normal practice, there is simply no other way to do so and would be done by the many sheds accessed from the road along this stretch of road.

In terms of the vegetation on the S/E side, this vegetation is within private property, so any trimming would need to be done in consultation with that neighbour and any native vegetation legislation.

Looking at the facts we cannot see any reason why this proposal cannot proceed'.

NOTE: The above advice was received *prior* to receiving amended plans for the development proposal ensuring additional safety to road users.

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 comprising an Outbuilding (Garage) and associated Verandah 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* for the following reasons:

- (a) The proposed land use is not prejudicial to the Desired Outcome of the Open Space 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 Open Space zone supports many existing built form land uses (including dwellings and ancillary outbuildings) amongst the areas of natural and landscaped open space.

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*.

PART 2 – ZONES AND SUB ZONES

Open Space Zone

Desired Outcome

Areas of natural and landscaped open space provide for biodiversity, tree canopy cover, urban cooling and visual relief to the built environment for the health and enjoyment of the community.

Land Use

Being part of the existing 'residential' component located within the Coastal Open Space Zone at Pelican Point, the proposed development does not associate with most of the policy relating to the zone. Notwithstanding, the proposed development of an Outbuilding (Garage) with associated Verandah does not offend the Desired Outcome of the zone given that it is an existing residential use in the zone.

Built Form and Character

The proposed development exceeds the DPF requirements for an outbuilding in this zone. The outbuilding is proposed at 146 square metres, wall height 4.5 metres with an associated verandah of 22.8 square metres. The existing character of the area shows many existing outbuildings larger than the zone maximum. The most notable of these at 202 Pelican Point Road contains an

outbuilding 13.5m x 15m x 5m (202 square metres) approved by CDAP in 2017. It is located on a similar allotment with an adjoining beach access road on the western side.

PART 3 – OVERLAYS

Coastal Areas Overlay

DO 1

The natural coastal environment (including environmentally important features such as mangroves, wetlands, saltmarsh, sand dunes, cliff tops, native vegetation, wildlife habitat, shore and estuarine areas) is conserved and enhanced.

DO 2

Provision is made for natural coastal processes; and recognition is given to current and future coastal hazards including sea level rise, flooding, erosion and dune drift to avoid the need, now and in the future, for public expenditure on protection of the environment and development.

The proposed development has no significant effect on the natural coastal environment and is considered to be at low risk of coastal inundation or flooding based on the location of the proposed development on the allotment, being non-habitable and that this allotment is in the designated 'low priority risk' area for Council's Pelican Point Coastal Protection Seawall Design Works – undertaken by Tonkin Consulting 2016.

Refer to Attachment 9 – Pelican Point Seawall Strategy

Hazards (Bushfire – General Risk) Overlay

The proposed development is located within a *General* bushfire risk area and facilitates access for emergency service vehicles to the habitable building for safe and effective evacuation of residents, occupants and visitors via both Pelican Point Road and the adjacent beach access road on the eastern side of the allotment.

Note: the allotment is overlayed by both the *Hazards (Bushfire - Medium and General Risk) Overlay*, however the proposed development is within the *General* area based on the site plan provided.

Native Vegetation Overlay

The native vegetation present on the northern side of the subject land has been reported as 'Level 1 – Clearance' by Peter Tucker, accredited Consultant, requiring clearance for the purpose of constructing an outbuilding and will require clearance.

Summary of proposed clearance

Native Vegetation Regulation	Regulation 12, Schedule 1; clause 33, House or Buildings
Description of the vegetation under application	0.017 ha of Coastal Wattle (<i>Acacia longifolia</i> ssp. <i>sophorae</i>) and Coast Beard-heath (<i>Leucopogon parviflorus</i>) Shrubland in good condition.
Total proposed clearance - area (ha) and number of trees	0.017 ha is proposed to be cleared.
Level of clearance	Level 1
Overlay (Planning and Design Code)	Native Vegetation Overlay

Mr Tucker has stated that a '*Significant Environmental Benefit (SEB) is required for approval to clear under Division 5 of the Native Vegetation Regulations 2017. The NVC must be satisfied that*

as a result of the loss of vegetation from the clearance that an SEB will result in a positive impact on the environment that is over and above the negative impact of the clearance.

The SEB is to be achieved by making a payment into the Native Vegetation Fund of \$500'.

Mr Weber can make this payment to the Native Vegetation Fund in accordance with the above determination.

Mr Peter Tucker is listed as an Accredited Consultant with the Native Vegetation Council as follows:

Native Vegetation Council - Accredited Consultants 2024

Organisation	Consultant	Contact Details	Landscape Board Region	Expertise
Mister Tucker's Business	Peter Tucker Principal Consultant	Naracoorte SA Ph: 0428 540 598 Email: Mister.tucker@bigpond.com	SE	<ul style="list-style-type: none"> • Ecological restoration • Vegetation assessments • Preparation of management plans • Specialist plant ID

Reference - https://cdn.environment.sa.gov.au/environment/docs/Native-Veg/Accredited_Consultants-List-List-June-2024.pdf

PART 4 - GENERAL DEVELOPMENT POLICIES

Design

DO 1 – Development is:

- contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area*
- durable - fit for purpose, adaptable and long lasting*
- inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors*
- 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 Residential Development

Ancillary Development

The proposed outbuilding and verandah are ancillary to an existing dwelling on the allotment.

The proposed development meets the relevant policies for 'Design' based on its design, appearance and setback on the allotment, and in context with existing development within the locality. It is noted that the proposed development could not be setback any further based on the existing easement on the allotment which cannot be encroached.

The existing character of this area demonstrates a consistent departure from the desired DPFs for *Built Form and Character* with existing development along Pelican Point Road. The proposed outbuilding and verandah are not perceived as being a conflict with the existing land uses in the Open Space Zone.

Car parking, access and manoeuvrability

The development proposal has been amended to ensure that access and manoeuvrability on the allotment are undertaken in the most efficient and safest form for the proposal. Amending the design to allow the vehicle and boat to enter and exit the site in a forward direction significantly reduces the safety hazards of vehicles on Pelican Point Road for any great length of time.

The caravan will still require reversing into the outbuilding; however, the number of times is likely to be negligible in comparison to the boat.

The existing road is of a suitable width and standard to cater for the anticipated vehicle(s) attending the site with minimal impact on the local road network. 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 has been consulted and has considered this proposal. As per below, it has been concluded that the development proposal can proceed.

'We have looked at the vegetation and typical sight distances (particularly approaching this property from the S/E) and given that this environment is a 50km/h speed zone don't believe it poses any more risk to road users than other sheds accessed from the road along this stretch of road.'

If there is speeding motorists, this should be taken up as a policing matter as it effects any vehicle type entering/exiting their properties.

Reversing vehicles/trailers into properties and using part of the road is a normal practice, there is simply no other way to do so and would be done by the many sheds accessed from the road along this stretch of road.

In terms of the vegetation on the S/E side, this vegetation is within private property, so any trimming would need to be done in consultation with that neighbour and any native vegetation legislation.

Looking at the facts we cannot see any reason why this proposal cannot proceed'.

NOTE: The above advice was received prior to receiving amended plans for the development proposal ensuring additional safety to road users.

Infrastructure and Renewable Energy Facilities

Wastewater Services

The existing onsite wastewater system is shown on the plan and poses no encroachment issues.

CONCLUSION

The proposed development of an Outbuilding (Garage) with associated Verandah is appropriately located on the subject land considering the existing easement, adjoining beach access road and customary practice of locating outbuildings at the front of allotments in coastal areas.

Consideration has been given to the representor's concerns with regard to road safety, the siting of the proposed outbuilding, traffic movements, overshadowing, and mass of the proposed development. Mr Brennan has responded on behalf of Mr Weber in relation to these concerns and has amended the development proposal accordingly to address the matters raised.

One of the representors visited Council on 10 June 2025 after being made aware of the RAP Meeting and has advised that his concerns have all been met with the amended plans provide as part of the '*Response to Representations*' and is now satisfied that the development is acceptable, and today has determined that he will no longer need to attend the RAP Meeting to speak to his representation.

The environmental impact of the proposal is minimal and acceptable if undertaken in accordance with the plans and documentation comprising the Development Application and conditions of consent.

It is therefore determined that the development proposal will be in context with the existing character of the Pelican Point Road area and warrants planning consent.

INVITES

The Representor – Rose Pratt

The Representor – Clive and Cherryl Hill

The Applicant – Ian Weber

The Applicant – Jason Cooper

ATTACHMENTS

1. Appendix 1 - Relevant P& D Code Policies [**6.2.1** - 46 pages]
2. Attachment 1 - Application Documents [**6.2.2** - 23 pages]
3. Attachment 2 - Subject Land Map [**6.2.3** - 2 pages]
4. Attachment 3 - Zoning Map [**6.2.4** - 3 pages]
5. Attachment 4 - Representation Map [**6.2.5** - 2 pages]
6. Attachment 5 - Summary of Representations [**6.2.6** - 8 pages]
7. Attachment 6 - Response to Representations [**6.2.7** - 7 pages]
8. Attachment 7 - Request for Information [**6.2.8** - 2 pages]
9. Attachment 8 - Native Vegetation Report [**6.2.9** - 7 pages]
10. Attachment 9 - Pelican Point Seawall Strategy - April 2016 [**6.2.10** - 1 page]

6.3 DA 24036196 - COMPTON SA 5291 - LAND DIVISION - STAGED TO CREATE 19 ALLOTMENTS

Author: Tracy Tzioutziouklaris, Assessment Manager

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24036196 - Compton SA 5291 - Land Division - Staged to Create 19 allotments' as presented on Thursday 19 June 2025 be noted.
2. 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.

Whilst the proposed development is not considered seriously at variance to the provisions of the Planning and Design Code, the development is considered at variance to the provisions of the Planning and Design Code for the following reasons:

- The proposed development is seeking to create allotments less than 5000 square metres in area.
- The proposed allotments are not of a suitable size to create an area with a semirural or semi – natural environment.
- The proposed allotments are not of a suitable size or dimension to accommodate for future development.
- The proposed allotments are unable to appropriately accommodate an on site waste water management system without impacting on existing groundwater bores.

For the above reasons it is recommended Planning Consent be refused for the proposed development in it's current form.

It is recommended that the Council Assessment Panel/SCAP 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 24036196, by Ehomes Pty Ltd and the decision by the Assessment Manager is upheld and Planning Consent and Land Division Consent be refused subject to the following reasons:
- The proposed development is seeking to create allotments less than 5000 square metres in area.
 - The proposed allotments are not of a suitable size to create an area with a semirural or semi – natural environment.
 - The proposed allotments are not of a suitable size or dimension to accommodate for future development.
 - The proposed allotments are unable to appropriately accommodate an on site waste water management system without impacting on existing groundwater bores.

DEVELOPMENT NO.:	24036196
APPLICANT:	Ehomes Pty Ltd
ADDRESS:	309 Mckay Rd Compton SA 5291 270 Carpenter Rocks Rd Compton SA 5291 Lot 780 Mckay Rd Compton SA 5291 74 -80 White Av Compton SA 5291 Lot 8131 Mount Percy Rd Compton SA 5291 Lot 8131 Mount Percy Rd Compton SA 5291
NATURE OF DEVELOPMENT:	Land Division - staged to create 19 allotments (6 into 19)
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Rural Living Overlays: <ul style="list-style-type: none"> • Hazards (Bushfire - General) • Hazards (Flooding - Evidence Required) • Native Vegetation • Prescribed Wells Area • Urban Transport Routes • Water Protection Area • Hazards (Bushfire - High Risk) Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Minimum Site Area (Minimum site area is 5,000 sqm)
LODGEMENT DATE:	4 Nov 2024
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at Limestone Coast Southern Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.19 24/10/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	No
RECOMMENDING OFFICER:	Tracy Tzioutziouklaris Manager Development Services
REFERRALS STATUTORY:	Department of Education DPTI Mark Maintenance South Australian Water Corporation SPC Planning Services
REFERRALS NON-STATUTORY:	

DETAILED DESCRIPTION OF PROPOSAL:

The reason this Application is referred to the Limestone Coast Southern Regional Assessment Panel is the Applicant has lodged for a Review of the decision of the Assessment Manager.

A more detailed description of the proposed development is contained within the Assessment report attached to this report.

The proposed development for Planning Consent and Land Division Consent was refused by Notice dated 16th May, 2025.

As identified in the Decision Notification Form the reasons for refusal were:

- The proposed development is seeking to create allotments less than 5000 square metres in area.
- The proposed allotments are not of a suitable size to create an area with a semi-rural or semi – natural environment.
- The proposed allotments are not of a suitable size or dimension to accommodate for future development.
- The proposed allotments are unable to appropriately accommodate an on site waste water management system without impacting on existing groundwater bores.

The subject land is irregular in shape and has road frontage to White Avenue, McKay Road, Carpenter Rocks Road, Mount Percy Road and Eumerella Street. The subject land is currently vacant land, used for the grazing of livestock and is undulating.

The total site area of the allotment is approximately 50.56 hectares in area and is comprised of six allotments. The proposed development is for land division creating 21 allotments, 19 of which for development purposes and two allotments for the balance of the land. The allotments being created for further development will vary in size, but will generally be 3000 square metres in area. The development is proposed to be undertaken in three stages:

BACKGROUND:

Planning Consent and Land Division Consent was refused by Notice Dated 16th May, 2025 for this Development Application seeking to create 19 additional allotments at 309 McKay Road, 270 Carpenter Rocks Road, Lot 780 McKay Road, 74-80 White Avenue, Lot 8131 Mount Percy Road, Compton.

The Planning, Development and Infrastructure Act 2016 introduced new appeal options for Applicants. As this Development Application was a decision of the Assessment manager, the Applicant is provided an opportunity to apply for a review of the decision to the Limestone Coast Southern Regional Assessment Panel (RAP) or the Environment, Resources and Development Court. Should the Applicant be aggrieved by the decisions of the RAP, the Applicant remains able to lodge a further appeal to the Environment, Resources and Development Court against the decision of the RAP.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 309 MCKAY RD COMPTON SA 5291

Title ref.: CT 5752/56 **Plan Parcel:** D15478 AL1 **Council:** THE DC OF GRANT

Location reference: 270 CARPENTER ROCKS RD COMPTON SA 5291

Title ref.: CT 5896/841 **Plan Parcel:** D15478 AL2 **Council:** THE DC OF GRANT

Location reference: LOT 780 MCKAY RD COMPTON SA 5291

Title ref.: CT 5473/874 **Plan Parcel:** H420200 SE780 **Council:** THE DC OF GRANT

Location reference: 74 -80 WHITE AV COMPTON SA 5291

Title ref.: CT 6179/6 **Plan Parcel:** D84680 AL21 **Council:** THE DC OF GRANT

Location reference: LOT 8131 MOUNT PERCY RD COMPTON SA 5291

Title ref.: CT 5774/750 **Plan Parcel:** F194597 AL795 **Council:** THE DC OF GRANT

Location reference: LOT 8131 MOUNT PERCY RD COMPTON SA 5291

Title ref.: CT 6295/14 **Plan Parcel:** D133596 AL8131 **Council:** THE DC OF GRANT

Locality

The subject site is located within the Rural Living Zone and is an area and is being development for Rural Living types of development, being large dwelling on large allotments. The subject land is located on the south western fringe with the City of Mount Gambier and is comprised of a mixture of predominately rural residential development, as well as the cemetery, AC Care, larger rural holdings. The subject site is gently undulating.

CONSENT TYPE REQUIRED:

Planning and Land Division Consent

CATEGORY OF DEVELOPMENT:**• PER ELEMENT:**

Land division

Land division: Code Assessed - Performance Assessed

• OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

• REASON

P&D Code

PUBLIC NOTIFICATION**• REASON**

N/A – Table 5 of the Planning and Design Code, land division is exempt from public notification

AGENCY REFERRALS

- Department of Education
- DPTI Mark Maintenance
- South Australian Water Corporation
- SPC Planning Services

A copy of the Agency responses are attached to this report for members information and perusal.

INTERNAL REFERRALS

N/A – As no new roads are being created.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which is attached to this report.

Question of Seriously at Variance

The subject land is located within the Rural Living Zone. The Desired Outcome within the Rural Zone is:

“A spacious and secluded residential lifestyle within semi-rural or semi-natural environments, providing opportunities for a range of low intensity rural activities and home based business activities that complement that lifestyle choice.”

Whilst there are concerns with the size of the allotments and consideration whether the development provides for a spacious and secluded residential lifestyle within semi rural or semi natural environment, the development as proposed is not considered seriously at variance to the provisions of the Planning and Design Code as the development in creating large allotments for residential purposes. The zone does envisage the construction of detached dwellings.

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 concerns the proposed allotments will not be able to accommodate development that will meet the setback criteria for development within the Rural Living Zone. Setbacks for detached dwellings within the Rural Living Zone for allotments less than 1 hectare are 20 metres from the primary street and rear boundaries and 10 metres from side and secondary street boundaries. When considering the proposed size and dimension of the proposed allotments, it may be difficult to meet the setback criteria for future development.

It is acknowledged this land is identified within the Limestone Coast Regional Plan for further investigation of appropriate land use outcomes to plan for future projected housing growth and to identify suitable densities and locations for development to occur. This does not identify what the final outcome for the land will be and does not provide any guidance for the assessment of this development application.

Land developed within the locality includes a number of allotments 5000 square metres in size, with allotments 3000 to 5000 square metres in size at the northern most part of the zone off Crater Road and Tollner Road. This area with allotments less than 5000 square metres in area are some distance from the proposed development. The allotments as proposed do not conform with the expected minimum allotment size within the Rural Living Zone, which is noted was introduced recently in 2020 when the Planning and Design Code became operational. The smaller allotments as proposed will potentially create a more dense style of living and character than the envisaged semi-rural or semi-natural environments within the Zone.

The Planning and Design Code clearly identifies the minimum allotment size within the Rural Living Zone is to be 5000 square metres. This site provision underpins the practicality of an allotment size and dimension to appropriately accommodate a dwelling while meeting the setback provisions for the zone.

INVITES

The Representor – Frank Brennan

The Applicant – Ehomes Pty Ltd

ATTACHMENTS

1. Application to the RAP - Review of the Decision [6.3.1 - 5 pages]
2. Application Snapshot [6.3.2 - 5 pages]
3. Planning Assessment Report [6.3.3 - 7 pages]
4. Planning Report and Additional Information - Applicant [6.3.4 - 224 pages]
5. Planning and Design Code Rules [6.3.5 - 17 pages]
6. Waste Water Management [6.3.6 - 42 pages]
7. Plan of Division [6.3.7 - 1 page]
8. State Planning Commission Land Division Report [6.3.8 - 2 pages]
9. Request for Information [6.3.9 - 2 pages]
10. Decision Notification Form [6.3.10 - 3 pages]
11. Certificate of Title 1 [6.3.11 - 2 pages]
12. Certificate of Title 2 [6.3.12 - 2 pages]
13. Certificate of Title 3 [6.3.13 - 2 pages]
14. Certificate of Title 4 [6.3.14 - 2 pages]
15. Certificate of Title 5 [6.3.15 - 1 page]
16. Certificate of Title 6 [6.3.16 - 2 pages]

17. Referral Snapshot - DPTI [**6.3.17** - 2 pages]
18. Referral Snapshot - Dpt Education [**6.3.18** - 1 page]
19. Referral Snapshot - SPC [**6.3.19** - 2 pages]
20. Referral Snapshot - SA Water [**6.3.20** - 2 pages]

7 URGENT MOTIONS WITHOUT NOTICE

Nil

8 MEETING CLOSE