

# AGENDA

## Limestone Coast Southern Regional Assessment Panel

Thursday 17 July 2025



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

**Time:** 5:00 pm  
**Date:** Thursday 17 July 2025  
**Location:** Royal Circus, Robe



Tracy Tzioutziouklaris  
**ASSESSMENT MANAGER**  
10 July 2025

## Order of Business

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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 June 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 - DA 25011216 – 64 Worrolong Road, Worrolong – Construction of a 26.0m (L) x 12.0m (W) x 6.46m (H) Store for the storage of caravan & vehicle collection incl. Truck (Prime Mover)**

Representors – Mal Phillips

Representor – Ken Childs

Applicant – Frank Brennan on behalf of Frank Brennan Consulting Services

Owner – Sophie Crauford

**Invitees for Item 6.2 - DA 23037032 - 14 Lake Road, Robe – Proposed Two Storey Additions and Minor Variation to DA 21001242**

The Representor - David Blanch

The Representor – James Hope Murray

The Representor – Christopher Pyne

The Applicant – Greg Bell

The Owner – Greg Bond

**Invitees for Item 6.3 - DA 24028555 – 1 Hagen Street, Robe – 6 Dwellings**

The Representor - Natasha Hogan

The Representor – Richard Hughes

The Representor – Andrew Smith

The Applicant – Murray Britton on behalf of Murray Britton Architects

The Applicant – Frank Brennan on behalf of Frank Brennan Consulting

The Owner – Robe PMD No. 2 Pty Ltd

## 6 REPORTS

### 6.1 DA 25011216 - 64 BILLING ROAD, WORROLONG - CONSTRUCTION OF A 26.0M (L) X 12.0M (W) X 6.46M (H) STORE FOR THE STORAGE OF CARAVAN & VEHICLE COLLECTION INCL. TRUCK (PRIME MOVER)

Author: Trudy Glynn, Planning Officer

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

#### RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 25011216 - 64 Billing Road, Worrolong - Construction of a 26.0m (L) x 12.0m (W) x 6.46m (H) Store for the storage of caravan & vehicle collection incl. Truck (Prime Mover) as presented on Thursday 17 July 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* for the following reason:
  - (a) The proposed land use is not prejudicial to the Desired Outcome of the Rural Living Zone.  
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 Living Zone, contemplates other land uses that may have an interface conflict with the desired outcome of the zone, but that can be managed to ensure that the spacious and secluded residential lifestyle of the zone is not impeded.
3. Development Application Number 25011216, by Frank Brennan Consulting Services is *granted* Planning Consent subject to the following conditions:

#### CONDITIONS

1. The development must be undertaken in accordance with the plans and associated documentation comprising the Development Application 25011216, 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. All stormwater from the building must discharge directly into rainwater tank(s), with any overflow managed onsite.
3. This consent applies to a 26m x 12m x 5.4m (6.46m) Store for the storage and parking of a Truck (Prime Mover - TSIX-50), caravan and vehicle collection as outlined in the application documents.
4. The Applicant shall ensure, as far as practicable, that the prime mover's movements do not occur before 7am, or after 9pm on any day.
5. No truck refuelling, servicing, repairs/maintenance, or washdowns are to take place on the subject land.
6. The driveway/manoeuvring area shall be appropriately surfaced/sealed and maintained to a suitable standard to minimise dust at all times, to the reasonable satisfaction of Council.



7. Any road surface damage caused by the prime mover at the entrance/exit to the property must be repaired/maintained by the landowners.
8. Noise levels are not to exceed those specified by the Environment Protection Authority in the '*Environment Protection (Commercial and Industrial Noise) Policy 2023*'.
9. Levels of dust and other airborne particulate matter are not to exceed those specified by the Environment Protection Authority.
10. Any security lights or floodlights associated with the development shall be shielded and/or adjusted, so as not to create nuisance to adjacent owners and occupiers or to road users.
11. 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. The landowner may need to seek other permissions or approvals. This could include, but not be limited to, travelling on roads where a Higher Mass Limit (HML) Permit may be required. The landowner should contact the National Heavy Vehicle Regulator (NHVR) and/or Council's Director of Works and Infrastructure (or their delegate) to check if permission/approval is required.

<b>DEVELOPMENT NO.:</b>	25011216
<b>APPLICANT:</b>	Frank Brennan Consulting Services
<b>ADDRESS:</b>	64 BILLING RD WORROLONG SA 5291
<b>NATURE OF DEVELOPMENT:</b>	Construction of a 26.0m (L) x 12.0m (W) x 6.46m (H) Store for the storage of caravan & vehicle collection incl. Truck (Prime Mover)
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Rural Living</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Hazards (Bushfire - High Risk)</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Native Vegetation</li> <li>• Prescribed Wells Area</li> <li>• Water Protection Area</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Minimum Site Area (Minimum site area is 2 ha)</li> </ul>
<b>LODGEMENT DATE:</b>	23 May 2025
<b>RELEVANT AUTHORITY:</b>	Regional Assessment Panel/Assessment Manager at Limestone Coast Southern Regional Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2025.9 – Operational from 15 May 2025 to 29 May 2025
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes – Ten (10 adjoining landowners notified Three (3) representations received

<b>RECOMMENDING OFFICER:</b>	Trudy Glynn, Planning Officer
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Nil

**DETAILED DESCRIPTION OF PROPOSAL:**

A Development Application has been lodged with the relevant authority for the construction of a 26.0m (L) x 12.0m (W) x 6.46m (H) Store for the storage of caravan & vehicle collection incl. a Truck (Prime Mover) on the subject land.

The Truck (Prime Mover) is proposed to be parked within the new store (to be constructed) on the southern side of the allotment which is setback approx. 88.5 metres from Billing Road, Worrolong, an all-weather trafficable sealed road and 12 metres from the southern side boundary.

Access to the property is from an existing crossover. A driveway/manoeuvring area is existing on the subject land and provides suitable turning area for the Truck (Prime Mover) to enter and exit the property in a forward direction.

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

**Location reference:** 64 BILLING RD WORROLONG SA 5291

**Title ref.:** CT 5496/737 **Plan Parcel:** H420400 SE665 **Council:** THE DC OF GRANT

The subject land is 3.237 ha in area, reasonably flat and located northeast of Mount Gambier, on the northern side of Worrolong Road.

The allotment is square in shape and contains an existing dwelling, associated outbuildings, a portion of vacant rural land and a white metal turning/manoeuvring area approx. 30m x 60m adjacent the site for the proposed new Store on the subject land.

There is existing landscaping on the site and an inspection this week revealed a new timber fence at the front of the property to screen the development from Billing Road.



*Above - Photos taken 7 July 2025 (by Planning Cadet)*



Above - Google Earth – September 2023



Above - Google Earth – March 2024

### Locality

The locality is characterised with larger rural living allotments ranging in size predominantly from approx. 2 ha to 4 ha. Adjoining the Rural Living area of Worrolong are forestry plantations to the north and east with Rural zoned allotments of varying sizes supporting primary production activities including farming, dairying and cattle and sheep grazing for approx. 1.6 km to the northeast corner of Mount Gambier.

Approx. 2.5 kilometres to the northwest of Worrolong is a Rural Living zoned area adjacent Mil-Lel, with the Mil-Lel Primary School, Showgrounds, Memorial Hall, and Tennis Club. The nearest sensitive receiver to the proposed development is approx. 140 metres to the south and 140 metres to the west.

### BACKGROUND

The subject land was developed with a dwelling and associated outbuildings in approx. 1984, dwelling extensions in approx. 1992.

The current landowners moved to the subject land in approx. 2000 and it is understood that they have resided on the land and likely operated the 'Crauford Transport' business from this site since that time as stated by Mr Brennan in his response to representations.

Council records show no written complaints relating to this business during this time.

It is noted that the existing 'Crauford Transport' business does not form any part of, and it not relevant to, the development proposal herein being considered on this Development Application.

Any concerns or issues with the current business should be communicated to Council outside of this development assessment process.

**CONSENT TYPE REQUIRED:**

Planning Consent

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

Shed

Store: Code Assessed - Performance Assessed

Shed: Code Assessed - Performance Assessed

**OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

**REASON**

P&D Code

**PUBLIC NOTIFICATION****REASON**

Store and Parking of a Truck is not listed as an exempt type of development in Table 5 - Procedural Matters (PM) – Notification

Ten (10) adjoining landowners were notified that the development proposal was on public notification from 30 May 2025 to 20 Jun 2025. Signage was required on the property.

**SUMMARY**

The representors have provided the following comments/concerns:

- Rural Living Zone
- Property is used to house up to 7 prime movers plus B-Double and Triple livestock trailers.
- Road is 5 tonne limit and needs to be upgraded.
- As we are at the end of electricity line power needs to be upgraded.
- At present yard is used to wash trucks and trailers plus mechanical work being undertaken.
- Water table high and washing of trucks contaminating water supply.
- Consistent noise of trucks coming and going all hours.
- Such a large shed to house cars etc.
- Will probably become workshop for prime movers and trailers.
- Hazard passing trucks on narrow road, sometimes forced to drive on edge of road.
- Have been thinking of subdividing my property but this may devalue my property.

**RESPONSE TO REPRESENTATIONS**



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

- It is noted all three of the representation submissions have indicated they support the proposed development.
- Traffic Issues - The property is located in a Rural Living Zone, and it is noted in this zone a number of forms of development are envisaged including 'light industry', which have the potential to generate additional traffic volumes including heavy vehicles. (NOTE - this response is not to be interpreted as we are seeking to establish a 'light industry' on the property but is provided as a comparative statement in response to the representations}.

It is noted Billing Road is a road with a narrow seal width with good sight distances in both directions, wide open verges requiring two-way vehicle traffic to travel off the sealed road surface when required. This is not an unusual occurrence across the Council area where motorists are required to drive to the relevant road conditions.

The maintenance of Billing Road is a matter for the Council.

- Conversion to a Truck Workshop - I confirm the proposed outbuilding is to be used to store the landowners' vehicle collection, (classic vehicles and trucks) and caravan. The building will not be used as a workshop for the maintenance of the landowners' trucks and trailers. To this end we note, if the building was to be used and operated as a workshop, then Development Approval for that change of land use would need to be obtained.
- Trucks and Trailers - The landowner does park their trucks and trailers on the site and has done for 25 years without causing any undue nuisance or inconvenience to residents in the general locality.

It is further noted, the landowner's truck and trailer are used for the transporting of livestock, noting the truck and trailer are washed out prior to return to the site to be parked. Similarly, there is no refuelling undertaken on the site and all truck and trailer maintenance is undertaken by commercial truck maintenance companies off site.

- Noise - The landowner is aware of their obligation to ensure the noise emanating from their property complies with the noise limits prescribed in the *Environmental Protection (Commercial and Industrial Noise) Policy 2023* under the *Environment Protection Act 1993*.
- Potential Subdivision and Property Values - The potential for future subdivision of properties in this locality and potential property devaluation are not a matter to be taken into consideration by the relevant authority when assessing the Development Application.

## AGENCY REFERRALS

Nil

## INTERNAL REFERRALS

Works and Infrastructure Department – Works Manager

Council's Works Manager, Mr Mathew Little has been consulted and advised that:

*'There are no issues with the Prime Mover travelling in and out of the property. The landowner should check with the National Heavy Vehicle Regulator (NHVR) to see if they need permission since it is likely to be over 5-tonne in weight'*

## PLANNING ASSESSMENT

**Part 1 - Rules of Interpretation** - This Part sets out how the Planning and Design Code implements the requirements of section 66 of the *Planning, Development and Infrastructure Act 2016*, and instructs the user on how the Code is to be read and applied to development assessed

under the Act and provides for other matters relevant to the interpretation and operation of the Code.

The Code divides development into 3 categories depending on whether it is classified under the Code as:

- a) *Accepted Development*
- b) *Code Assessed Development which includes Deemed to Satisfy and Performance Assessed Development*
- c) *Impact Assessed Development – restricted development*

All development is classified firstly by reference to its location and the zone, subzone and overlays that are applicable to the location.

This development was required to be assessed as Performance Assessed development within a Rural Living Zone as the construction of a Store, and parking of a Truck (Prime Mover) is a type of performance assessed development with public notification.

The Code specifies the policies and rules for the application that apply to this class of development within the zone and the relevant general development policies including rules relating to the application of Desired Outcome policies, Performance outcomes and Designated Performance Features.

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

### ***Performance Outcome (PO)***

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

### ***Designated Performance Features (DPF)***

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

In assessing the merits of the proposal, the relevant authority has reviewed the Zone, Overlays, and General Development Policies as contained within the P&D Code (in effect) Version 2025.9 – 15 May 2025.

The following policies most relevant for this proposal are as follows:

## **Part 2 – Zones and Sub Zones**

### **Rural Living Zone**

#### **Assessment Provisions (AP)**

**Desired Outcome (DO)**

**DO 1** 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.

**Land Use and Intensity**

*PO 1.1 – Residential development with complementary ancillary non-residential uses that do not place additional demands on services and infrastructure, and compatible with a secluded semi-rural or semi-natural residential character.*

A 'store,' in the 'Planning and Design Code, Part 7 – Land Use Definition Table', is defined as:

*'Means a building or enclosed land used for the storage of goods and within or upon which no trade (whether wholesale or retail) or industry is carried on.'*

A store and the parking of a Truck (Prime Mover) are not specifically listed as land uses in the zone.

*Performance Outcome 1.4 states that non-residential development complements the semi-rural or semi-natural residential character an amenity and:*

- (a) is ancillary to a dwelling erected on the same allotment; and*
- (b) avoids interface conflicts with other land uses.*

*Performance outcome 1.5 states that non-residential development is sited and designed to complement the semi-rural or semi-natural residential character and amenity.*

Parking a Truck (Prime Mover) on the subject land within the Store, a 312 square metre building which will be setback approx. 88.5 metres from Billing Road does show appropriate siting and design that complements the residential character and amenity and is not perceived as being a conflict with the existing land uses in this Rural Living area.

**Siting and Design**

The proposed development is serviced by an all-weather sealed trafficable public road, Billing Road, which connects to Worrolong Road via William Road.

**Built Form and Character**

The proposed store is designed and sited to minimise visual impact on the surrounding locality by being setback approx. 88.5 metres from the primary road and 12 metres from the side boundary of the allotment.

The proposed store is constructed of Colorbond 'Classic Cream' walls and doors, with Colorbond 'Manor Red' roof fabric, which is a low-reflective material and finish that blends with the existing dwelling and surrounding landscape appropriately.

**Part 3 – Overlays****Hazards (Bushfire – High Risk) Overlay**

The proposed development is located within a 'High' bushfire risk area and is sited and designed to ensure no impediment to access for emergency service vehicles to the existing habitable building and the proposed store for safe and effective evacuation of residents, occupants and visitors.

**Native Vegetation Overlay**

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*

There will be no impact upon the existing water supply to the site as a result of the proposed development. Water supply to the site will be by stormwater collection to rainwater tank(s) to be installed on the land.

The development proposal does not involve the taking of water for any listed class of development in PO 1.1, and therefore no trigger for referral to the Landscape Board.

*Water Protection Area Overlay*

The Applicant has specified that there will be no washdown of the Truck (Prime Mover) on the site and this has been conditioned accordingly.

This will ensure that there is no risk to the groundwater.

Part 4 - General Development Policies

**Design**

*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

The proposed store does not significantly deviate from the '*contextual*' part of DO 1 for the zone based on the proposed size and scale of the store in comparison to existing development located nearby within the Rural Living allotments. On this allotment it will not unduly impact the character of the immediate area based on the setback and buffer to neighbouring properties along Billing Road.

The existing character of this area demonstrates a degree of reasonable departure from the desired DPFs for *Built Form and Character* of Outbuildings, and the proposed store building is not perceived as being a conflict with the existing land uses in this Rural Living area.

Landscaping

Existing landscaping, and the new timber fence will reduce the visual impact of the proposed store to the adjacent road. Landscaping can be incorporated along the side boundary, however existing



landscaping on the neighbouring property and the paddock on that side creates an appropriate buffer to the nearest neighbours at approx. 140 metres.

### Massing

The visual mass of the proposed outbuilding has been reduced by the 88.5 metre setback and the existing landscaping and timber fence on the subject land.

### *Interface between Land Uses*

*DO 1 - Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.*

### General Land Use Compatibility

The proposed construction of a store and parking of a Truck (Prime Mover) has not been perceived to be an adverse impact on existing adjoining landowners within the vicinity. The nearest sensitive receivers are located approx. 140 metres from the proposed store which will contain the Truck (Prime Mover) caravan, and vehicle collection.

### Overshadowing

No overshadowing of any neighbouring habitable rooms or private open space will be caused as a result of the proposed development.

### Activities Generating Noise or Vibration

Noise has also been raised as a concern of the representors and PO 4.1 states that '*development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers)*'.

It is anticipated that Mr Brennan's response to representations and conditions of approval preventing any servicing, repairs/maintenance on the subject land, and limiting truck movements of the Prime Mover to occur, where practicable after 7am and before 9pm will mitigate any noise impact.

The proposed development should also comply with the '*Environment Protection (Commercial and Industrial Noise) Policy 2023*' as stated by Mr Brennan and as conditioned.

### Light Spill

No lighting is proposed on the store as part of the development proposal and has been conditioned to ensure that users of the adjacent road and neighbouring properties are not affected.

### Site Contamination

*DO 1 - Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.*

No site contamination is envisaged with the proposed development of a store with parking of a Truck (Prime Mover), caravan and vehicle collection as no truck refuelling, servicing, repairs/maintenance, or washdowns of the Truck are to take place on the subject land.

The landowners should also comply with their general environmental duty to ensure no site contamination.

Development satisfies (b) involves a change in the use of the land that does not constitute a change to a more sensitive use.

***Transport, Access and Parking*****Sightlines**

Existing crossover to the allotment allows for adequate sightlines to Billing Road when entering and exiting the subject land, which ensures safety for all road users and pedestrians.

**Vehicle Access**

The existing access point to the allotment provides safe and convenient access for the proposed development's vehicles including the Truck (Prime Mover), a caravan and several vehicles to minimise impact or interruption on the operation of the public road, Billing Road.

**Vehicle Parking Rates**

Sufficient on-site vehicle parking is available on the site for existing vehicles and the proposed development.

The proposed Truck (Prime Mover), caravan and vehicle collection will be housed within the proposed store and there is adequate room outside the store on the existing white metal pad for additional parking on the subject land.

Access to the proposed store is from the existing all-weather trafficable sealed road, Billing Road.

The existing road is of a suitable width and standard to cater for these vehicles 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 Works Manager, Mathew Little has been consulted and has considered this proposal. It is his conclusion that the proposal to park the Truck (Prime Mover) on the subject land will not cause any traffic impact, and he has no issue with this development proposal.

**Heavy Vehicle Parking**

The proposed Truck (Prime Mover) is unlikely to result in any nuisance to adjoining neighbours as a result of dust, fumes, vibration, odour or potentially hazardous loads.

The subject land is 3.237 ha in area, the store where the Truck (Prime Mover) will be parked is proposed 88.5 metres from Billing Road and is unlikely to be entering and exiting the subject land significantly since it is part of a vehicle collection. The Truck (Prime Mover) can enter and exit the site in a forward direction only easily.

**CONCLUSION**

The proposed development comprises two elements, a Store (26m x 12m x 6.46m) Colorbond 'Classic Cream' wall and door fabric and Colorbond 'Red Manor' roof fabric; and the parking of a Truck (Prime Mover), caravan and vehicle collection as stated by Mr Brennan in the Development Application Plans and documentation.

The proposed store is appropriately located within the existing character and amenity of the area and will not affect the existing use of any rural living properties within the vicinity.

The parking of the Truck (Prime Mover) in the Rural Living Zone, is separated adequately from neighbouring properties, and has no land use conflict with existing development on neighbouring properties.

The proposed store at 312 square metres and 6.46 metres in total height is large in nature and scale for the Rural Living zone and therefore warrants careful consideration.

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

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 further noted that the use of the adjoining road network by the Truck (Prime Mover) may require a Permit from the NHVR, and/or Council's Director of Works and Infrastructure (or his delegate) prior to travelling on these roads. The landowners should investigate and seek their own clarification/permissions in relation to this.

The relevant authority has determined that the development proposal will be in context to the character of the existing neighbourhood, with performance outcomes as detailed in the Zone and Policies of the Planning and Design Code being achieved and as such is recommending that this Development Application be **granted** Planning Consent.

## INVITES

Representors – Mal Phillips

Representor – Ken Childs

Applicant – Frank Brennan on behalf of Frank Brennan Consulting Services

Owner – Sophie Crauford

## ATTACHMENTS

1. Appendix 1 - Relevant PD Code Policies [6.1.1 - 115 pages]
2. Attachment 1 - Application Documents [6.1.2 - 11 pages]
3. Attachment 2 - Subject Land Map [6.1.3 - 2 pages]
4. Attachment 3 - Zoning Map [6.1.4 - 2 pages]
5. Attachment 4 - Representation Map [6.1.5 - 2 pages]
6. Attachment 5 - Summary of Representations [6.1.6 - 9 pages]
7. Attachment 6 - Response to Representations [6.1.7 - 2 pages]

**6.2 DA 23037032 - 14 LAKE ROAD, ROBE – PROPOSED TWO STOREY ADDITIONS AND MINOR VARIATION TO DA 21001242**

Author: Ben Green, Planning Consultant

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

**RECOMMENDATION**

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 23037032 - 14 Lake Road, Robe – Proposed Two Storey Additions and Minor Variation to DA 21001242' as presented on Thursday 17 July 2025 be noted.
2. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
3. Development Application Number 23037032, by Greg Bell is GRANTED Planning Consent, subject to the following reserved matters, conditions and advisory notes:

**RESERVED MATTERS**

The following information shall be submitted for further assessment and approval by the Assessment Manager (or delegate) as reserved matter pursuant to Section 102(3) of the Planning, Development and Infrastructure Act 2016:

1. The applicant is to provide evidence of an approved wastewater application, approved in accordance with South Australian Public Health Act 2011 prior to Development Approval being granted.

**CONDITIONS**Planning Consent

1. The Development shall be undertaken and completed in accordance with the stamped plan/s and documentation except where varied by condition(s) below (if any).
2. A permanently fixed external perforated screen, panel, or trellis, which has a maximum of 25% openings, shall be installed on the length of the upper level decking, in accordance with stamped plans, to minimise direct overlooking to the adjacent dwelling. The screen shall have a minimum height of 1.5m above finished floor level, and shall be installed prior to occupation of the structure to the satisfaction of Council.
3. All privacy screens shall resolve overlooking and be installed to the reasonable satisfaction of Council.
4. All stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:
  - (a) result in the entry of water into a building; or
  - (b) affect the stability of a building or;
  - (c) create unhealthy or dangerous conditions on the site or within the building; or
  - (d) flow or discharge onto the land or an adjoining owner and not flow across property boundaries and onto the adjoining road.
5. Effective measures shall be implemented during the construction of the development and the ongoing use of the land in accordance with this consent to:
  - (a) prevent silt run-off from the land to adjoining properties, roads and drains



- (b) control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land
- (c) ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site
- (d) ensure that all litter and building waste is contained on the subject site in a suitable covered bin or enclosure
- (e) ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land.

6. Conditions of previous approvals continue to apply unless expressly varied by this consent.
7. In accordance with the South Australian Public Health Act 2011, a minimum setback distance of 2.5 meters is required from the septic tank and areas where the disposal of sewerage may soak into the ground (soakage trenches).

#### ADVISORY NOTES

##### Planning Consent

1. When will this consent or approval lapse? - This consent or approval will lapse at the expiration of 24 months from its operative date, subject to the following.
2. An approved development must be substantially commenced within 24 months of the date of Development Approval and completed within 4 years from the operative date of the approval, unless this period has been extended by the relevant authority.
3. Encumbrance Compliance- The owner shall ensure that the requirements of any encumbrance(s) applicable to the property are complied with. You should check your obligations under the encumbrance prior to work commencing.

<b>DEVELOPMENT NO.:</b>	23037032
<b>APPLICANT:</b>	Greg Bell
<b>ADDRESS:</b>	14 LAKE RD ROBE SA 5276
<b>NATURE OF DEVELOPMENT:</b>	Two-storey Additions & Alterations to the Existing Residential Dwellings and Variation to the Existing Development Approval ID 21001242 and inclusion of Swimming Pools
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Affordable Housing</li> <li>• Hazards (Bushfire - Urban Interface)</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Native Vegetation</li> <li>• Prescribed Wells Area</li> <li>• Water Protection Area</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Minimum Frontage (Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is</li> </ul>

	10m; row dwelling is 10m; group dwelling is 10m; residential flat building is 10m) • Minimum Site Area (Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 450 sqm; row dwelling is 450 sqm; group dwelling is 450 sqm; residential flat building is 450 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level)
<b>LODGEMENT DATE:</b>	5 Feb 2024
<b>RELEVANT AUTHORITY:</b>	Limestone Coast Southern Regional Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2024.1 - 18/01/2024
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Ben Green Planning Consultant (Ben Green & Associates)
<b>REFERRALS STATUTORY:</b>	Nil Required
<b>REFERRALS NON-STATUTORY:</b>	Nil required

#### DETAILED DESCRIPTION OF PROPOSAL:

The application seeks Planning Consent for alterations and additions to the existing dwellings on the subject land. The dwellings are currently single storey, with valid approval already granted for second-storey additions.

This application proposes new works and also seeks to vary aspects of the existing approval.

The development will result in a pair of two-storey detached dwellings, incorporating associated decking and swimming pools. Site preparation works include the demolition of the existing carports and landscaping at the front of each dwelling.

Specifically, the proposed additions to each dwelling will include the following:

Lower Level/Ground Floor:

- Carport
- Bins and utilities area

Upper Level/First Floor:

- Pavilion entertaining area with deck
- Extension to ground level deck to marina side
- Swimming Pool
- Privacy Screening
- Pergola

#### BACKGROUND

The following is an overview of relevant Development Applications associated with the subject land.

An initial application for two detached dwellings (DA 822/17/96) was refused by the Council Assessment Panel (CAP) in April 1996 for being 'seriously at variance' with the Development Plan.

A revised application for a single detached dwelling (DA 822/33/96) was lodged in May 1996 but was deferred pending negotiations with the Applicant.

It was reconsidered in June 1996, and CAP indicated willingness to support two dwellings, subject to design amendments. Council also moved to seek a legal opinion regarding the on the fundamental nature of the dwelling form, i.e. two detached vs a pair of semi-detached dwellings.

A new application for two detached dwellings (DA 822/47/96) was lodged and processed as a Category 3 development. Legal advice was obtained supporting the interpretation of the form of dwellings as 'detached dwellings'. CAP granted Development Plan Consent in September 1996, subject to conditions related to septic systems and vegetation protection.

In 2021, another application (DA 21001242) was lodged for second storey additions (first floor extension), which underwent publication with four representations received, and Planning Consent was granted on 5 August 2021.

## **SUBJECT LAND & LOCALITY:**

### **Site Description:**

**Location reference:** 14 LAKE RD ROBE SA 5276

**Title ref.:** CT 5356/470 **Plan Parcel:** F199833 AL93 **Council:** DC OF ROBE

The subject site is regular in shape and is 753m<sup>2</sup> in area with a frontage of 15.2 metres to Lake Road.

The subject site is not listed as a State, Local or Contributory Heritage item.

The site contains two single-storey dwellings located toward the front of the allotment, fronting Lake Road. These dwellings extend to approximately the midpoint of the site, with the remaining rear portion vegetated with native vegetation. Both dwellings are partially oriented towards Lake Butler, consistent with neighbouring properties.

Internally, each dwelling includes a single bedroom, a spacious open-plan living area with kitchen, a bathroom, and a deck extending to the north. Each also features a carport and courtyard positioned forward of the dwelling, fronting Lake Road.

Topographically, the site slopes from the street down to the eastern (rear) boundary adjoining Lake Butler, with a fall of approximately 5 metres over a length of 47 metres.

Vehicle access to the dwellings and carports is gained informally via Lake Road, no constructed crossover infrastructure exists. A brick-paved driveway and vehicle manoeuvring area are located forward of the carports, adjacent to the gravel road reserve.

Figures 1 and 2 below show the north elevation and floor plan of the existing dwellings.

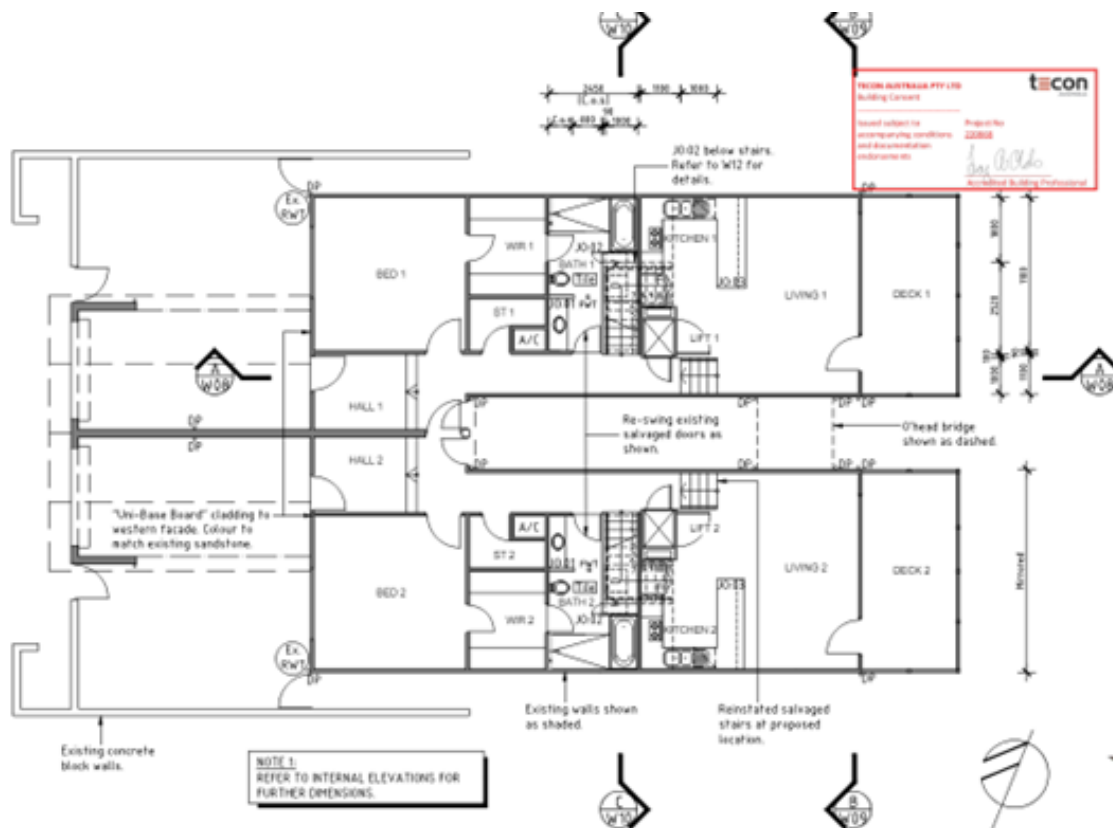


Figure 1: Floor Plan of existing dwellings

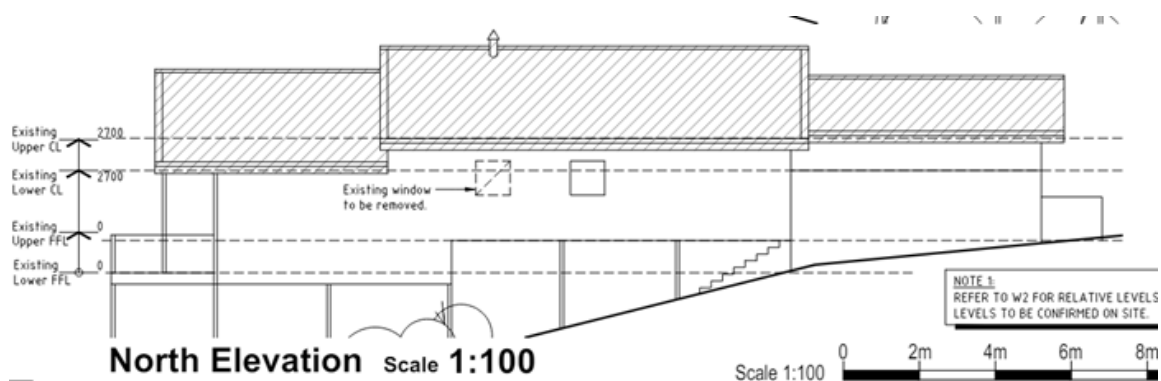


Figure 2: North elevation existing dwellings

## Locality

The locality is characterised by low-density residential development, comprising a mix of single and two-storey dwellings. Properties on the eastern side of Lake Road are generally oriented toward Lake Butler, with dwellings typically presenting their rear elevations to the street.

The adjoining property to the north (16 Lake Road) is developed with a single-storey dwelling, featuring a garage located forward of the main building. The dwelling itself is built to the southern boundary (shared with the subject land) for a length of approximately 6 metres, with the remainder of the structure set well back from the shared boundary.

To the south, the neighbouring allotment at 12 Lake Road is a vacant site of similar size and configuration, currently heavily vegetated.

There are no heritage-listed properties located within the immediate vicinity of the subject land.



Figure 3 below provides an image of the locality, while Figure 4 shows the surrounding zoning as extracted from the South Australian Property and Planning Atlas (SAPPA).



Figure 3: SAPPA - Locality - July 2025



Figure 4 – SAPPA – Zone Layers – July 2025

**CONSENT TYPE REQUIRED:**

## Planning Consent

**CATEGORY OF DEVELOPMENT:**

**PER ELEMENT:**

Dwelling alteration or addition

Swimming pool or spa pool and associated swimming pool safety features: Accepted  
 Dwelling addition: Code Assessed - Performance Assessed

### OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

### REASON

P&D Code

### PUBLIC NOTIFICATION

### REASON

Exceeds maximum building height specified in Neighbourhood Zone DPF 4.1.



Figure 5 – Location of representors – Initial round of Notification

### SUMMARY

A brief summary of the representors comments and the applicants response is provided below:

Representors Issues	Applicant Response
<i>Overlooking and Visual Privacy</i>	Overlooking screens above existing boundary walls are hit and miss slats to avoid being solid and overbearing to neighbours will still providing overlooking protection.
<i>Massing – footprint and height</i>	Site coverage will be in the order of 36%. Proposed additions roof height is lower than what has been approved. Ground level setback aligns with existing built structures on the site. The proposed boundary wall area for the swimming is only 6 metres in length. Rear boundary setbacks are still significant.
<i>Flooding</i>	No risk of flooding with habitable spaces located at the first level.
<i>Amenity and Streetscape</i>	The streetscape elevation of the existing context is primarily all garage doors and the proposed development comprises a



	composition that diminishes the impact of the garage doors significantly
<i>Inadequate detail on plans</i>	It is important to note that the property has an existing Development Approval inclusive of two-storey development with balconies at ground and first floors looking over Lake Butler. This application primarily focusses on extensions at the Lake Road end of the property, with small balcony extensions toward the rear boundary (over Lake Butler).
<i>Native Vegetation loss</i>	No impact to native vegetation on the site.
<i>Overshadowing</i>	No comment from applicant.
<i>Not consistent with existing built form</i>	No comment from applicant
<i>Powerlines</i>	The power lines adjacent to the project site are on the other side of the road, so there will be no risk on insufficient clearance

The response to the representation provided by Atelier Bond on behalf of the Applicant (dated 3 May 2024) also included a series of amendments to the plans in an attempt to address the concerns raised.

Due to the nature of the amendments, the application was re-notified between 2 to 20 December 2024.

Two (2) valid representation were received during the second round of public notification.

No.	Name & Address	Position	Wishes to be Heard?
1.	Christopher Pyne 195 Old Mount Barker Rods, ALDGATE SA 5000	Opposed	Yes
2.	James Murray 12 Lake Rd, ROBE SA 5276	Opposed	Yes



Figure 6 – Location of representors – Second round of Notification

## SUMMARY

A brief summary of the second round of representors comments and the applicant's response is provided below:

<b>Representors Issues</b>	<b>Applicant Response</b>
<i>Inadequate detail on plans</i>	It is important to note that the property has an existing Development Approval inclusive of two-storey development with balconies at ground and first floors looking over Lake Butler. This application primarily focusses on extensions at the Lake Road end of the property, with small balcony extensions toward the rear boundary (over Lake Butler).
<i>Massing – Footprint, Design and Height</i>	<p>The proposed development will not result in the site coverage exceeding 60% of the site area.</p> <p>This application is to vary the existing approval which already grants permission for the second level and does not increase the number of levels of height of built form more than already approved. Notably, there are several examples of two-storey dwellings in the nearby site vicinity. Amendments have been made to the streetscape and the building setback from primary street.</p> <p>The proposed development does not include any side boundary walls.</p> <p>The proposed development does reduce the overall setback from the rear property boundary, the resultant setbacks far exceed the prescribed criteria in the Code.</p> <p>The applicant has responded to the concern for massing, summarising the not inappropriate development in terms of form, material or scale and does not exceed the prescribed setback, height or coverage requirements as outlined in the Planning and Design Code.</p>
<i>Amenity to board walk</i>	There is also no evidence that the proposed amendment to the existing approved design would infringe on the amenity of the Board Walk.
<i>Flooding</i>	The proposed development does not impact the existing ground level finished floor levels and will not present any risk of the dwellings to flooding.
<i>Overlooking and Visual Privacy</i>	Overlooking screens above the existing boundary walls are proposed as hit and miss slats to avoid being solid and overbearing, but will still provide overlooking protection.
<i>Overshadowing</i>	With regard to access to natural light, the proposed amendment to the currently approved design incorporates building elements which are lower in height than the approved scheme and will have little influence on the existing overshadowing impact of the property.
<i>Native Vegetation impacts</i>	The applicant has provided a Native Vegetation Audit Report in response to concerns about loss of native vegetation confirming the clearance proposed is Level 1 clearance.
<i>Safety</i>	With regard to safety, the National Construction Code and the Building Code of Australia require that the proposed development be design and certified by a structural engineer before building approval is granted, and then built in accordance with the approved documents and certified by a Private Certifier prior to occupation.
<i>Proposal at odds with the character of dwellings in this locality and if approved, would change the character.</i>	The additions are focussed at the Lake Road end of the property and the roof ridge height of the proposed entertaining space is lower than the approved first level ridge height, thus not increasing the overall height of the property.

Although a second round of public notification was undertaken, this does not diminish the validity of the representations received during the initial notification period. All representations from both rounds are considered valid and have been taken into account in the assessment.

A response to the representations received during the second round of public notification was provided by Atelier Bond on behalf of the applicant, dated 28 January 2025:

Upon further review of the proposed plans and the issues raised in the representation, Council staff considered the applicant's response to be insufficient in addressing the concerns raised.

Council staff continued to hold reservations about several aspects of the proposed development. These concerns were communicated to Atelier Bond, with a request for the applicant to further review and response to the following matters prior to the application being presented to the panel.

The matters raised for further consideration and amendment are as summarised below:

- Reduce overall bulk and scale of the proposed building additions.
- Removal of the rear upper-level deck – privacy screening to meet the Code.
- Removal of the front current deck elements, shuffle room back and adequately off of side boundaries.
- Rear pool / deck area to be reduced in size / height (split level) and increase side setbacks to meet the Code.
- Provide Shadow Diagrams to ensure and demonstrate compliance with specific Code provisions on a Winter Solstice.
- Provide 3D Streetscape Renders – providing a result that ensures the built form proposed on the subject land is characteristic of the locality noting there is a single storey TNV, general single storey presence to Lake Road, increased rear setbacks and reduced dominance to the local heritage listed marina.

Following discussions and meetings with Council staff, and consideration of the concerns raised, further amendments were made to the proposed development in response to Council staffs requests.

This assessment is based on the final, amended version of the proposed development which are contained within Attachments.

## **AGENCY REFERRALS**

Nil Required:

Native Vegetation Council – Referral is not required unless 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**

Nil required.

## **PLANNING ASSESSMENT**

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix 1.

## **Question of Seriously at Variance**

The proposed development, involving the construction of two-storey additions and alterations to the existing residential dwellings, is not considered to be 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 aligns with the Desired Outcome of the Neighbourhood Zone and maintains the existing residential use of the land.
- (b) The departures identified from the Planning and Design Code are not considered to be significant or substantial but are instead minor and generally consistent with the overall policy intent.

## **NEIGHBOURHOOD ZONE**

### **Land Use and Intensity**

In accordance with the Desired Outcome of the Neighbourhood Zone, dwellings are an anticipated land use, and therefore it is to be implied that additions to dwellings are an acceptable form of development, subject to meeting other requirements of the Code.

The proposed additions and alterations will not change the existing use of the land.

The proposed swimming pool meets the relevant Accepted Development criteria outlined in Table 1 of the Neighbourhood Zone within the SA Planning & Design Code. As such, it does not form part of this assessment.

### **Site Coverage**

The Planning and Design Code seeks to ensure that building footprints are consistent with the prevailing pattern of development, while retaining adequate space around dwellings to limit visual impact and maintain access to natural light and ventilation. Accordingly, Designated Performance Feature (DPF) 3.1 recommends a maximum site coverage of 60%.

The applicant has advised that the previously approved development occupies approximately 36% of the site, and the proposed additions will not significantly alter this ratio. As such, the total site coverage remains well below the 60% theoretical maximum, satisfying DPF 3.1 of the Neighbourhood Zone.

### **Building Height**

Performance Outcome 4.1 of the Neighbourhood Zone and the associated Designated Performance Feature (DPF) seek to ensure that building heights are limited to one level, or otherwise are generally consistent with the prevailing character of the locality and complement the height of nearby buildings.

While the proposal includes a first-floor addition, the overall building height does not exceed that previously approved under Development Application ID 21001242.

In fact, the proposed additions are lower in height than the earlier approved portions of the design and are not considered out of character with comparable developments within the broader locality or the Neighbourhood Zone more generally.

Accordingly, the proposal is considered to satisfy the Code's requirements in relation to building height. The following assessment therefore focuses on other built form considerations, including design, massing, and visual appearance.

### **Setbacks, Design & Appearance**

The following table provides confirmation on the relevant quantitative provisions of the Code. These provisions are consistent with those that applied when consent was granted to Development Application ID 21001242.

	<b>Requirement</b>	<b>Proposal</b>
Building Height	1 Level	Maintaining 2 levels as approved
Primary Street Setback	Where there is only one existing building on adjoining sites which face the same primary street, not less than the setback to the building line of that building or not less than 5m where no building exists on an adjoining site with the same primary street frontage.	No change to current primary setback.  Consistent with established primary road setback.
Side Boundary Setback	- northern side - 900 mm for walls up to 3 m height then an additional 1/3 of the wall height above 3 m - southern side - 1900 mm for walls up to 3 m height then an additional 1/3 of the wall height above 3 m - Proposed wall height of 5.5 metres on both sides requires a setback of: <ul style="list-style-type: none"> <li>• 1.65 metres on the northern side</li> <li>• 2.65 metres on the southern side</li> </ul>	No change to existing ground floor and upper floor side boundary setbacks, maintaining the existing built form setbacks as already granted consent in earlier applications.

### Primary Street Setback

As shown in the table above, the proposed additions and alterations seek to maintain the existing setback to the carport.

The applicant has confirmed that the façade will align with the adjoining property to the north at 16 Lake Road and will be set further back than the dwelling at 18 Lake Road.

This primary road setback is considered consistent with the established pattern of development along this section of Lake Road. As such, the proposal is considered to satisfy Performance Outcome 5.1 of the Planning and Design Code.

### Side Boundary Setback

As outlined in the table above, the proposed additions and alterations now maintain the existing side boundary setbacks for both the upper and lower levels, as previously approved.

The original proposal included sections of the dwellings positioned directly on the northern and southern boundaries, which did not comply with the maximum 3.2-metre height limit specified in DPF 7.1 and DPF 8.1.

Given the open character of the locality and the broader Neighbourhood Zone, extensive boundary development is considered inconsistent, although it is noted that lower ground-level courtyards already adjoin the side boundaries.

The applicant was asked to reconsider this aspect, and the revised design is now considered to adequately address the non-compliance with DPF 8.1.

### Rear boundary Setback

The rear balcony extensions on the eastern first floor will enhance the functionality of these areas by providing occupants with improved views over Lake Butler. The proposed setbacks from the rear boundary comply with the required 6 metres, thereby meeting the relevant provisions of the Code.

## **OVERLAYS**

The following Overlays apply to the subject land:

- Affordable Housing
- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding - Evidence Required)
- Native Vegetation
- Prescribed Wells Area
- Water Protection Area

The most applicable Overlays to the assessment of this application have been addressed below:

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

The proposed development involves additions and alterations to existing, approved residential dwellings. The habitable areas will remain elevated well above the natural ground level, maintaining the existing finished floor level. As such, the development does not introduce any increased or additional risk of flooding.

### ***Native Vegetation***

The native vegetation located on the northern, marina-facing side of the subject site has been classified as 'Level 1 – Clearance' by accredited consultant Mr Peter Tucker. Clearance is required to facilitate the construction of dwelling alterations and additions, including a deck and swimming pool.

Mr Tucker's Data Report includes the following summary:

#### **Summary of proposed clearance**

Purpose of clearance	Clearance is required for the construction of a proposed balcony extension.
Native Vegetation Regulation	Regulation 12, Schedule 1; clause 33, House or Buildings
Description of the vegetation under application	0.012ha of Silver Banksia ( <i>Banksia marginata</i> ) and Common Boobialla ( <i>Myoporum insulare</i> ) Tall Shrubland over Myrtle-leaf Milkwort ( <i>*Polygala myrtifolia</i> ) in poor condition.
Total proposed clearance - area (ha) and number of trees	0.012ha is proposed to be cleared
Level of clearance	Level 1
Overlay (Planning and Design Code)	Native Vegetation Overlay

Mr. Tucker stated that a Significant Environmental Benefit (SEB) is required for approval to clear vegetation under Division 5 of the *Native Vegetation Regulations 2017*. The Native Vegetation Council (NVC) must be satisfied that the SEB will provide a positive environmental outcome that outweighs the negative impact of the clearance.

This SEB can be achieved by making a payment of \$500 into the Native Vegetation Fund.

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

<b>Mister Tucker's Business</b>	Peter Tucker Principal Consultant	Naracoorte SA Ph: 0428 540 598 Email: <a href="mailto:Mister.tucker@bigpond.com">Mister.tucker@bigpond.com</a>	SE	<ul style="list-style-type: none"> <li>• Ecological restoration</li> <li>• Vegetation assessments</li> <li>• Preparation of management plans</li> <li>• Specialist plant ID</li> </ul>
---------------------------------	--------------------------------------	--	----	--



**Reference:** [Accredited-Consultants-List-List-June-2024.pdf](#)

There are no further relevant provisions within the Overlays that are relevant to the assessment of the proposal in this instance, with all Overlays considered to be adequately addressed.

## **GENERAL DEVELOPMENT POLICIES**

### **Clearance from Overhead Powerlines**

The applicant has provided an Electricity Declaration on submission of the application:

*The applicant has declared, under Clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017, that the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to regulations prescribed for the purposes of section 86 of the Electricity Act 1996.*

### **Design**

#### Onsite Waste Treatment Systems

The existing septic tank is shown on the plan and poses no encroachment issues.

#### Earthworks and Sloping Land

The proposed development involves no significant earthworks, with any cut and fill limited to less than one metre.

The driveway and site access are level, utilizing the existing crossover, and therefore raise no concerns regarding gradient or slope.

#### Overlooking

Any potential overlooking has been addressed through amendments to the privacy screening, which now stands at a height of 1.5 metres. These changes also help to minimise bulk and massing impacts. As a result, any remaining extent of overlooking is considered reasonable noting that the guiding policy seeks to 'mitigate' not 'obliterate' direct overlooking.

The proposed privacy screens consist of 'hit and miss' timber battens, which are visible from both the street and adjoining properties. Should Planning Consent be granted, the installation of these privacy screens will be recommended as a condition.

The relevant Performance Outcomes and associated Designated Performance Features (DPFs) are considered to be satisfactorily met, with the amended design presenting an acceptable visual appearance and massing.

#### Front elevations and passive surveillance

The large windows proposed as part of the upper-level addition above the garage will enhance passive surveillance of the public realm, contributing to a greater sense of safety within the locality. Each dwelling is considered to satisfy PO/DPF 11.1, incorporating at least one habitable room window facing the primary street with a minimum dimension exceeding 2.4 metres and a total window area of at least 2m<sup>2</sup>. This is viewed as a positive outcome of the proposed additions and a valuable contribution to the streetscape.

*Vegetation at the rear of the site limits development opportunities, making the Lake Road frontage the most suitable location.* The addition of an upper level above the existing carports is considered an efficient and appropriate use of space. The proposed additions are well integrated with both the existing dwellings and the alterations previously approved under DA 21001242. The use of

varied materials adds visual interest to the front façades, while the pavilion-style roof design reflects and reinforces the positive characteristics of the surrounding built form, as illustrated in Figure 7 below.

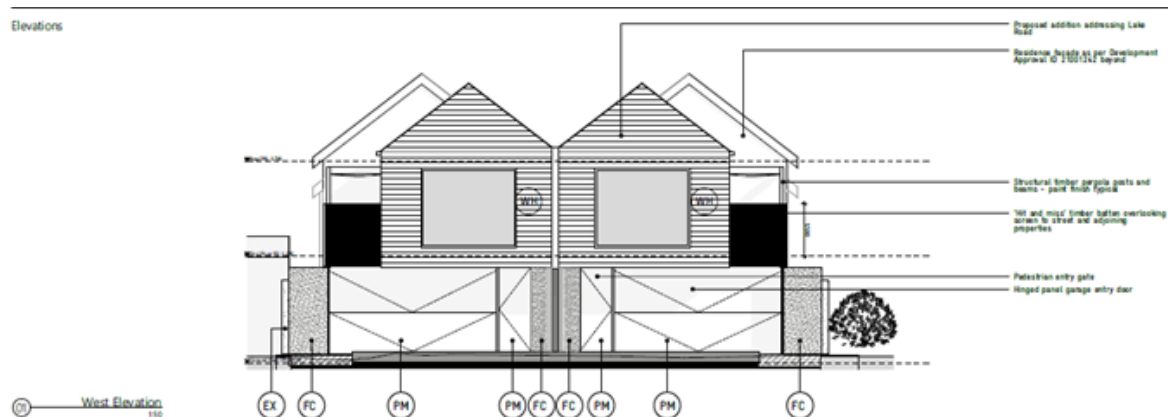


Figure 7 – Western elevation to the streetscape.

### Outlook and amenity

The proposed floor plan includes multiple areas that maintain an external outlook, ensuring a high standard of amenity for future occupants. The additions will enhance visual connection and access to both the private open space at the rear and the street frontage. As such, PO/DPF 12.1 is considered to be satisfied.

### Garage appearance

While the Code seeks to ensure that garaging does not dominate or detract from the streetscape or the appearance of the dwelling, it is noted that a prominent carport already exists forward of the dwellings. This is a common feature along this side of Lake Road, driven by the desire to maximise views over Lake Butler.

The proposed additions, which include construction above a new undercroft garage, are considered to enhance the visual appearance of the garage. The upper level extends slightly forward of the garage, ensuring compliance with the requirement for garages to be set behind the main façade of the dwelling. Additionally, the garage door/opening does not exceed 7 metres in width or 50% of the site frontage.

PO/DPF 14.1 is therefore considered to be satisfied. The variation from the standard 5.5-metre setback is supported due to the existing carport location, the established building line, and the presence of a wide road reserve.

### Massing

The Code aims to ensure that residential development minimises visual bulk and massing, particularly when viewed from adjoining properties or public streets. While the increase in building height and levels—already granted Planning Consent—will inevitably result in a more prominent built form compared to the existing single-storey dwelling, this change has been carefully considered.

Consultation with the applicant, along with a detailed review of concerns raised during public notification, has led to further amendments to the design. These revisions specifically address issues related to building mass and scale. The key amendments made to reduce the visual impact of the additions are outlined below:

- Removal of the rear upper-level deck;

- Removal of the front current deck elements, shuffle room back and adequately set deck areas off of side boundaries;
- Rear pool / deck area reduced in size / height, maintained on lower level;
- Maintain existing side boundary setbacks;
- Shadow Diagrams provided to ensure and demonstrate compliance with specific Code provisions on a Winter Solstice.
- 3D Streetscape Renders provided that ensures the built form proposed on the subject land is characteristic of the locality;
- The use of light weight materials also reduces any bulk and visual mass;

The revised proposal is considered to more effectively align with the intent of the Code for this location within the Neighbourhood Zone.

#### Private Open Space

The increased balcony area will enhance the overall provision of private open space for the dwellings, contributing to improved amenity. The minimum private open space requirements are considered to be met.

Given that the site retains a substantial area of vegetation at the rear, this outcome is considered reasonable—particularly as the loss of vegetation has been addressed under the relevant Overlay above.

#### Carparking, access and manoeuvrability

The enclosed car parking spaces meet the minimum dimension requirements, ensuring they are functional, accessible, and convenient. As such, PO/DPF 19.1 is satisfied.

Vehicle access to the designated parking spaces is provided via a lawfully existing crossover, consistent with previously granted Planning Consents. Therefore, PO/DPF 19.4 is also considered to be satisfied.

#### Waste storage

Adequate opportunity is maintained for the convenient storage of waste bins in a location screened from viws. PO 20.1 satisfied.

#### **Infrastructure**

The proposed additions will not be built on or encroach within the area dedicated to the existing onsite septic tank.

#### **Interface between Land Uses**

##### Overshadowing

The applicant has responded to concerns regarding overshadowing by submitting detailed Shading Studies. These diagrams illustrate the shadow paths of the subject property on the winter solstice (21st June).

It is noted that the allotment to the south of the subject site is currently vacant, making it difficult to assess potential overshadowing impacts on any specific habitable windows that may be proposed in the future.

The following Performance Outcomes and Designated Performance Features are relevant to this assessment and have been included in full below:

*PO 3.1 - Overshadowing of habitable room windows of adjacent residential land uses in:*  
*a. a neighbourhood-type zone is minimised to maintain access to direct winter sunlight*  
*b. other zones is managed to enable access to direct winter sunlight*

*DPF 3.1 - North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.*

*PO 3.2 - Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:*  
*a. a neighbourhood type zone is minimised to maintain access to direct winter sunlight*  
*b. other zones is managed to enable access to direct winter sunlight.*

*DPF 3.2 - Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:*  
*a. for ground level private open space, the smaller of the following:*  
*i. half the existing ground level open space or*  
*ii. 35m<sup>2</sup> of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)*  
*b. for ground level communal open space, at least half of the existing ground level open space.*

The overshadowing diagrams specifically relate to the proposed additions included in this application and do not account for the upper-level portions of the dwellings that have already received Planning Consent.

Based on the plans provided, it is evident that the extent of overshadowing is minimal, allowing adequate sunlight to reach the adjoining site. Although the neighbouring site is currently vacant, if developed with a similar orientation to existing nearby properties, the design—including the private open space (POS)—would be oriented toward the lake. Therefore, the proposed development is expected to have little impact on the neighbouring POS.

## **Traffic Impact, Access and Parking**

### Vehicle Parking Rates

The proposed carports will provide two covered parking spaces per dwelling, satisfying the requirements of Table 1 – General Off-street Carparking Requirements. No changes are proposed to the existing access, which is an informal gravel surface to a paved drive, which facilitates safe and convenient vehicle movements into and out of the site.

## **CONCLUSION**

Consideration has been given to the representors' concerns regarding overshadowing, visual impacts, and massing of the proposed development. Mr. Greg Bond, on behalf of his client, has submitted amendments to the proposal, which have been reviewed by Council staff.

Following the submission of the amended plans, all Representors were contacted via voice messages to inform them of the changes and confirm the meeting date.

The proposed two-storey additions and alterations to the existing residential dwellings are generally appropriate and demonstrate compliance with the relevant requirements of the Planning and Design Code.

As such, the development warrants Planning Consent.

The proposal is considered to exhibit the following merit:

- The proposed additions and alterations align with the intended land use for the Zone.
- The amendments improve compliance with boundary setback requirements, with overshadowing of the vacant southern property considered reasonable.

- The contemporary design and varied use of materials will positively enhance the local built form and streetscape.
- The overall height of the dwelling is balanced and responds acceptably to the character and scale of nearby homes, taking into account previously approved additions.
- The development enhances the provision of private open space.
- Sufficient on-site car parking is provided to meet needs.
- The siting and design of the carports are appropriate and well-considered.
- Privacy concerns are mitigated through the installation of screening on relevant sections of the decking associated with outdoor entertainment areas.
- The proposal complies with all applicable Overlays affecting the site.

## **INVITES**

Representor – David Blanch

Representor – James Hope Murray

Representor – Christopher Pyne

Applicant – Greg Bond on behalf of Atelier Bond

Owner – Greg Bell

## **ATTACHMENTS**

1. Appendix 1 - Code Rules [**6.2.1** - 17 pages]
2. Attachment 1 - Application Documents [**6.2.2** - 38 pages]
3. Attachment 2 - Representations Round 1 [**6.2.3** - 3 pages]
4. Attachment 3 - Response to Representations 1 [**6.2.4** - 3 pages]
5. Attachment 4 - Representations Round 2 [**6.2.5** - 5 pages]
6. Attachment 5 - Response to Representations 2 [**6.2.6** - 13 pages]

**6.3 DA 24028555 – 1 HAGEN STREET, ROBE – 6 DWELLINGS**

Author: Ben Green, Planning Consultant

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

**RECOMMENDATION**

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24028555 – 1 Hagen Street, Robe – 6 Dwellings' as presented on Thursday 17 July 2025 be noted.
2. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
3. Development Application Number 24028555, by Frank Brennan Consulting Services is GRANTED Planning Consent, subject to the following reserved matters, conditions and advisory notes:

**RESERVED MATTERS**

The following information shall be submitted for further assessment and approval by the Assessment Manager (or delegate) as reserved matter pursuant to Section 102(3) of the *Planning, Development and Infrastructure Act 2016*:

1. The applicant is to provide evidence of an approved wastewater application, approved in accordance with *South Australian Public Health Act 2011* prior to Development Approval being granted.

**CONDITIONS**Planning Consent

1. The Development shall be undertaken and completed in accordance with the stamped plan/s and documentation except where varied by condition(s) below (if any).
2. All of the carparking, driveway areas, footpath crossovers and vehicle manoeuvring areas shall be graded, paved and sealed with bitumen or other similar material and be maintained in a good condition at all times.
3. Garages to be used in accordance with approved use and not for any other purpose.
4. 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.
5. 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.
4. 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.
6. All stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater

does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:

- (a) result in the entry of water into a building; or
- (b) affect the stability of a building or;
- (c) create unhealthy or dangerous conditions on the site or within the building; or
- (d) flow or discharge onto the land or an adjoining owner and not flow across property boundaries and onto the adjoining road.

7. Effective measures shall be implemented during the construction of the development and the ongoing use of the land in accordance with this consent to:

- (a) prevent silt run-off from the land to adjoining properties, roads and drains
- (b) control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land
- (c) ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site
- (d) ensure that all litter and building waste is contained on the subject site in a suitable covered bin or enclosure
- (e) ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land.

#### ADVISORY NOTES

##### Planning Consent

1. When will this consent or approval lapse? - This consent or approval will lapse at the expiration of 24 months from its operative date, subject to the following.
2. An approved development must be substantially commenced within 24 months of the date of Development Approval and completed within 4 years from the operative date of the approval, unless this period has been extended by the relevant authority.
3. Encumbrance Compliance- The owner shall ensure that the requirements of any encumbrance(s) applicable to the property are complied with. You should check your obligations under the encumbrance prior to work commencing.
4. Alterations to council road verge - Authorisation under Section 221 of the Local Government Act 1999 is required for all works on council land including alterations to the road and establishment and continued maintenance of landscaping.
5. Street Numbering - Once construction is complete please ensure that your property is identified with a reflective Street Number (not allotment number). Please contact the Council on 87682003 for further information.
6. Responsibility for Siting - Allotment boundaries will not be certified by Council staff. The onus of ensuring that the development is sited in the approved position on the correct allotment is the responsibility of the owner and builder.
7. Building Rubbish Containment and Segregation of Rubbish - The builder must at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builders waste shall be segregated and contained for the duration of the construction and the contents of such receptacle must be SEGREGATED before being emptied as and when required. Upon completion all remaining waste shall be disposed of at a licensed waste disposal depot and the receptacle removed from the site. Reason: To prevent

building rubbish being spread onto adjoining public or private land to the detriment of the amenity of the area.

8. Boundaries - It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.
9. Fences Act 1975 - The Applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence a 'Notice of Intention' must be sent to adjoining owners. Please contact Legal Services Commission for further advice on 8463 3555 or [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au)

Advisory Notes imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

10. Please note the following requirements of the *Aboriginal Heritage Act 1988*.
  - (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.
11. Please note the following requirements of the *Heritage Places Act 1993*.
  - (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
  - (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.

<b>DEVELOPMENT NO.:</b>	24028555
<b>APPLICANT:</b>	Frank Brennan Consulting Services
<b>ADDRESS:</b>	1 HAGEN ST ROBE SA 5276
<b>NATURE OF DEVELOPMENT:</b>	Construction of 5 Two Storey Dwellings and 1 Single Storey Dwelling
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Affordable Housing</li> <li>• Historic Area – RO1</li> <li>• Hazards (Bushfire - Urban Interface)</li> <li>• Heritage Adjacency</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Native Vegetation</li> <li>• Prescribed Wells Area</li> <li>• Water Protection Area</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p>



	<ul style="list-style-type: none"> <li>• Maximum Building Height (Metres) (Maximum building height is 6.5m)</li> <li>• Minimum Frontage (Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 10m; row dwelling is 10m; group dwelling is 10m; residential flat building is 10m)</li> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 450 sqm; row dwelling is 450 sqm; group dwelling is 450 sqm; residential flat building is 450 sqm)</li> </ul>
<b>LODGEMENT DATE:</b>	11 Dec 2024
<b>RELEVANT AUTHORITY:</b>	Limestone Coast Southern Regional Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2024.22 05/12/2024
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Ben Green Planning Consultant (Ben Green & Associates)
<b>REFERRALS STATUTORY:</b>	Minister responsible for the administration of the Heritage Places Act 1993
<b>REFERRALS NON-STATUTORY:</b>	Ian Hamilton

#### DETAILED DESCRIPTION OF PROPOSAL:

The application seeks Planning Consent for the construction of 5 (Two Storey) Dwellings and 1 (Single Storey) Dwelling.

Three dwelling designs are proposed, each with the following layouts:

- Type 1: Ground floor – kitchen, dining, living area, two bedrooms, bathroom, and garage  
First floor – dining, living area, kitchenette, three bedrooms, bathroom, ensuite, and balcony
- Type 2: Ground floor – dining, kitchen, living area, two bedrooms, bathroom, and garage  
First floor – dining, living area, kitchenette, three bedrooms, bathroom, ensuite, and balcony
- Type 2A: Ground floor – dining, kitchen, living area, two bedrooms, bathroom, and garage  
First floor – dining, living area, kitchenette, two bedrooms, bathroom, ensuite, and balcony
- Type 3: Single-storey – four bedrooms, living area, kitchen, bathroom, ensuite, and an external garage (outbuilding)

Each two-storey building comprises a single dwelling.

The proposal also includes associated:

- Access, driveway and onsite car parking areas
- Landscaping
- 

*Note: This application does not propose a land division and is only related to the proposed built form.*

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

**Location reference:** 1 HAGEN ST ROBE SA 5276

**Title ref.:** CT 5556/366 **Plan Parcel:** D40810 AL200 **Council:** DC OF ROBE

The subject site is irregular in shape, with a total area of approximately 2,968 square metres, and benefits from multiple public road frontages. It has a primary frontage of 34.79 metres to Hagen Street, a secondary frontage of 64.365 metres to Smillie Street, and a third frontage of 19.54 metres to Frome Street.

The site is currently developed with the Robe Haven Motel, a short-stay accommodation facility that fronts Hagen Street. Existing motel rooms have window frontages to Smillie Street, while the rear portion of the land—fronting Frome Street—is currently underutilised. The motel façade facing Hagen Street is oriented toward Lake Butler and features design elements of a somewhat historic character.

The building and site are not heritage-listed.

Access to the site is provided via a single-width driveway from Hagen Street, accommodating both vehicle and pedestrian movements, and leading to an internal common car parking area.

Topographically, the site is relatively flat, with a gentle fall from the finished floor level of the motel down to street level. The undeveloped rear portion also slopes gently, with a fall of approximately 1.5 metres from the carpark to the Frome Street frontage.

**Locality**

The locality is characterised by low-density residential development, comprising a mix of single and two-storey dwellings along with various tourist accommodation buildings.

Immediately south of the subject site, on the opposite side of Smillie Street, is the District Council of Robe's office and the Robe Medical Centre.

The adjoining property to the south, located at 1A Hagen Street, is developed with a single-storey dwelling that fronts Hagen Street and has secondary access from Frome Street. This site is known as *Robe House* and is listed as a State Heritage Place. Several other heritage-listed sites are located within the immediate and broader locality, including St Mary's Catholic Church, the Old Police Stables, the Robe Customs and Maritime Museum, and Lake Butler.

A current SAPPA-sourced image of the locality is provided below in **Figure 1**, illustrating the site's proximity to various Local and State Heritage Places. **Figure 2** shows the nearby zone boundaries in relation to the subject site.



Figure 1: SAPPA Locality and State Heritage Places (Local – **Blue**, State – **Red**) – July 2025



Figure 2: SAPPa Zone Layers - July 2025

**CONSENT TYPE REQUIRED:**

Planning Consent

**CATEGORY OF DEVELOPMENT:**

**PER ELEMENT:**

New housing

Dwelling: Code Assessed - Performance Assessed

**OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

**REASON**

P&amp;D Code

**PUBLIC NOTIFICATION****REASON**

Pursuant to Table 5 - Part 3 (b) Dwelling. The dwellings exceed Column B exception DPF 4.1 - i.e. over 6.5m high.

**LIST OF REPRESENTATIONS**

The application underwent Public Notice, commencing on 11 April 2025 and closed on 6 May 2025.

Nine (9) valid representations were received during the public notification period.

No.	Name & Address	Position	Wishes to be Heard?
1.	Integrity New Homes Limestone Coast Carter 45 Robe St, ROBE SA 5276	Support	No
2.	Andrew Smith PO Box 218, ROBE SA 5276	Support with concerns	Yes
3.	Richard Hughes PO Box 257, ROBE SA 5276	Support with concerns	Yes
4.	Peter Roachock 65 Dalkeith Dr, MT GAMBIER SA 5290	Support with concerns	No
5.	Natasha Logan 1A Hagen St, ROBE SA 5276	Support with concerns	Yes
6.	David Loxton 34C Lord Syleham St, ROBE SA 5276	Oppose	No
7.	Timothy Rogers PO Box 522, ROBE SA 5276	Support with concerns	No
8.	Valerie Monaghan PO Box 348, ROBE SA 5267	Oppose	No

Figure 3: Location of Representors - July 2025

**SUMMARY**

A brief summary of the representor's comments and the applicants response is provided below:

Representors Issues	Applicant Response
<i>Site area and density</i>	Amendments have been made to the site density by removing the 2 x two storey dwellings fronting to Frome Street with 1x single storey dwelling, resulting in a total of 6 dwellings on the site.
<i>Heritage Character and nearby State Heritage Listed buildings</i>	Amendments to the design have been with consideration to the representations received and advice from Council's Heritage Advisor. Amendments made include:

	<ul style="list-style-type: none"> <li>- Decrease in height from 8.3 metres to 6.9 metres</li> <li>- Reduce eave height</li> <li>- Revised roof pitch</li> <li>- Incorporate feature stone solid base</li> <li>- Altering upper level materials</li> </ul>
<i>Roof and Height of Dwellings</i>	Originally proposed building height has been reduced from 8.3 metres to 6.9 metres and the roof pitch has been altered to reflect heritage character of the area.
<i>Insufficient on site parking and impacts this will cause for on-street parking</i>	<p>14 car parking spaces in total are provided which meets on the onsite parking requirements in Table 1- General Off street Carparking Requirements.</p> <p>An amendment has been created by consolidating one access point which ensures on-street parking to Smilie Street is not impacted.</p> <p>The existing road networks is able to easily accommodate the anticipated 60 vehicle movements per day.</p>
<i>Impact of the development on 'Robe House'</i>	The applicant acknowledged Robe House is a State Heritage listed building (Heritage NR 16407 – former government residence). The proximity to Robe House was given due consideration including substantial setback from the built form to the shared side boundary to Robe House. The applicant provided a detailed response to this representation and, in summary, the applicant advised Robe House is considered reasonable and its 'context and setting' is essentially, maintained by the development.
<i>Garage Dominance</i>	<p>The dwelling to present to Frome Street is to be serviced by a separate garage building to be setback 16.625 metres from the Frome Street property boundary, being behind the former 'Gaol cells' building on Frome Street and 1.005 metres off the western property boundary of the State Heritage property at 8 Smillie Street.</p> <p>The proposed garage building with its 16.625 metre setback to Frome Street will not be visually dominant when viewed from Frome Street.</p>
<i>Noise during construction</i>	<p>Where residential premises are nearby, construction activities upon a site requiring the use of machinery or otherwise that would for short periods, create noise above levels contemplated in the <i>Environment Protection (Commercial and Industrial Noise) Policy 2023</i> are only permitted between the hours of 7am to 7pm, Monday to Saturday.</p> <p>We do not anticipate any activities associated with the construction of the dwellings would interfere with the amenity enjoyed by neighbouring dwellings to any great extent and we are conscious of the requirements of the <i>Environment Protection Authority</i>.</p>

A response to the representations was provided by Frank Brennan Consulting Services on behalf of the applicant, dated 26 June 2025. In addition, amended plans were submitted to address several of the concerns raised during the public notification period, as well as feedback from Council's Heritage Advisor and Planning Team.

The following assessment is based on the final, amended version of the proposed development, received on Friday, 27 June 2025 (Attachment 1).

## AGENCY REFERRALS

- Minister responsible for the administration of the Heritage Places Act 1993

**Response type:**

Schedule 9 (3)(17) State Heritage Place, State Heritage Area, or Heritage Adjacency Overlays

**Referral type:**

Direction

**Response date:**

26 Mar 2025

**Advice:**

With comments, conditions and/or notes

**Advisory Note 1**

Please note the following requirements of the *Aboriginal Heritage Act 1988*.

- (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (a delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

**Advisory Note 2**

Please note the following requirements of the *Heritage Places Act 1993*.

- (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
- (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.

**INTERNAL REFERRALS**

- Ian Hamilton, Heritage Advisor for the Limestone Coast

An internal referral to Council's Heritage Advisor occurred as the site is located within the Heritage Area Overlay.

Response: 17 April 2025

In summary, Council's Heritage Advisor completed an assessment on the proposed development with consideration of the most relevant sections of the Heritage Adjacency Overlay, the Historic Area Overlay and the Robe Historic Area Statement (Ro1) from the SA Planning & Design Code as they relate to the subject site.

Following the assessment, Mr Hamilton requested a number of alterations be made to the proposed development, noting its important setting within the Historic Area of Robe.

Refer Attachment 5 for full Internal Referral response.

**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 construction of 5 two-storey dwellings and 1 single-storey dwelling within the Neighbourhood Zone. Development of this nature is considered appropriate for the site, the broader locality, and the Neighbourhood Zone for the following reasons:

- (a) The proposed land use does not conflict with the Desired Outcome of the Neighbourhood Zone.
- (b) The identified departures from the Planning and Design Code are not regarded as significant or substantial.

Accordingly, the development is not considered to be seriously at variance with the relevant Desired Outcomes or Performance Outcomes of the Planning and Design Code, in accordance with Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

### Quantitative Provisions

The following quantitative provisions are relevant to this application:

	Requirement	Proposal
Building Height	6.5 metres	6.9 metres – the departure of 300mm from the DPF is considered to be a minor departure for the purpose of this application as discussed later in this report.
Primary Street Setback	<p>There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is on a corner site.</p> <ul style="list-style-type: none"> <li>a) <u>Where the existing building shares the same primary street frontage– the setback of the existing building</u></li> <li>b) Where the existing building has a different primary street frontage - 5m</li> </ul>	<p>3.62 metres to Smillie Street frontage for the two storey dwellings.</p> <p>Setback is behind the existing setback of the adjacent building as it fronts to Smillie Street.</p> <p>5.74 metres setback to the single storey dwelling as it fronts to Frome Street.</p>
Side Boundary Setback	<p>Building walls are set back from the side boundary in accordance with the following:</p> <ul style="list-style-type: none"> <li>a) On sites greater than 800m<sup>2</sup>: at least 1900mm for a wall that is south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level.</li> </ul>	<p>The closest side boundary setback to the nearest two storey dwelling as fronting to Smillie Street is 4.02 metres to the single storey component from the eastern side boundary to a staggered wall. The upper level two storey is setback 5.770 metres from side boundary setback.</p> <p>The single storey dwelling fronting to Frome Street is setback approximately 1.4 metres at the closest corner of the dwelling, and due to the angled side boundary, increases towards to the rear of the dwelling.</p>
Secondary Street Setback	Building walls are set back at least 900mm from the boundary of the	3.12 metres to Hagen Street.

	allotment with the secondary street frontage.	
Rear boundary	<p>Building walls (excluding ancillary buildings and structures) are set back from the rear boundary at least:</p> <p>b) if the size of the site is 301m<sup>2</sup> or more— 4m in relation to the ground floor of the building 6m in relation to any second building level of the building 6m plus an additional 1m setback added for every 1m height increase above a wall height of 7m.</p>	Two storey dwellings are setback 7.97 metres from the 'rear' boundary shared with 'Robe House'.

### Land Use and Intensity

In accordance with the Desired Outcome of the Neighbourhood Zone, dwellings are an anticipated land use, provided they satisfy the relevant provisions of the Planning and Design Code.

### Site Density

The proposed development was amended to reduce the total number of dwellings on the site to six, resulting in an average allotment size of approximately 476m<sup>2</sup> per dwelling (2,861m<sup>2</sup> / 6).

This reduction is considered a positive outcome, as it addresses concerns regarding overdevelopment, site density, and potential impacts on surrounding heritage values.

The revised dwelling density is consistent with the requirements of Designated Performance Feature (DPF) 2.1.

### Building Height

Performance Outcome 4.1 and its associated Designated Performance Feature (DPF) seek to ensure that building heights do not exceed 6.5 metres, or are generally consistent with the prevailing character of the locality and complementary to the height of nearby buildings.

The amended proposal includes a building height of 6.9 metres, which is not considered out of character with other comparable developments within the broader locality and the Neighbourhood Zone. Reference is made to the evolving residential character of the Robe Neighbourhood Zone, where two-storey built form is becoming increasingly common.

The proposed height represents a minor variation of 300mm above the 6.5-metre guideline set out in PO 4.1 and DPF 4.1 and is considered a modest departure from the Code, particularly in the context of the surrounding development pattern.

### Setbacks, Design & Appearance

#### Primary Street Setback

As outlined in the table above, the proposed dwellings include new primary road setbacks to Smillie Street for the two-storey dwellings and to Frome Street for the single-storey dwelling.

Setbacks within the immediate locality are notably varied.



On balance, the proposed setbacks are considered consistent with the existing streetscape, maintaining the heritage character of the area while providing sufficient on-site space for the development.

#### Side Boundary Setback

The proposed side boundary setbacks are considered to satisfy the requirements of the Code as established in the above table and meets the minimum setbacks as sought by DPF 7.1 and DPF 8.1.

#### Rear boundary Setback

The proposed rear boundary setbacks are considered to satisfy the requirements of the Code as established in the above table and meets the minimum setbacks as sought by DPF 9.1.

The proposed rear boundary setbacks provide a significant separation between the new built form and the existing *Robe House*, helping to complement the character of the locality. These setbacks also ensure continued access to natural light and ventilation, as well as adequate space for vehicle movement and access to internal undercover parking areas.

### **OVERLAYS**

The following Overlays apply to the subject land:

- Affordable Housing
- Historic Area – R01
- Hazards (Bushfire - Urban Interface)
- Heritage Adjacency
- Hazards (Flooding - Evidence Required)
- Native Vegetation
- Prescribed Wells Area
- Water Protection Area

The most applicable Overlays to the assessment of this application have been addressed below:

#### ***Historic Area – R01***

As noted in the internal referrals, significant consideration has been given to the potential impacts of the proposed development on the Historic Area Overlay, as assessed by Council's Heritage Advisor, Mr Ian Hamilton.

Several amendments have been made to the design and character of the built form to better align with the Overlay, including:

- Reducing the overall building height to 6.9 metres
- Lowering the eave height to 5.5 metres
- Decreasing site density by removing the two-storey dwellings fronting Frome Street and replacing them with a single-storey dwelling
- Retaining side and front boundary setbacks consistent with the prevailing character of the area
- Amending the design and architectural details, including roof form and pitch, window proportions, and verandah elements
- Preserving important views and vistas of historic buildings
- Using complementary materials and finishes

- Incorporating a visually solid base feature of stonework approximately 3.1 metres in height
- Intentionally selecting lighter finishes for upper levels to visually relate better to the township's roofscape

The applicant has also refined the proposed material palette to ensure consistency with, and to complement, the materials and built form of surrounding historic buildings, as outlined in the Historic Area Statement.

The selected materials include:

- Feature stone walling
- Painted weatherboard finishes
- Heritage-style galvanised steel roofing
- Whitewashed timber finishes
- Timber paling fencing
- Permeable paved driveways

### ***Hazards Bushfire – Urban Interface)***

The proposed development replaces an existing habitable structure. Each dwelling has access to an established, all-weather public road with a suitable gradient. No new roads are proposed as part of this application.

The dwellings are positioned to allow access for fire appliances from the existing public road network. Additionally, sufficient space around the buildings ensures convenient access to all areas of the site.

Overall, the proposed development is considered to meet the requirements of this Overlay.

### ***Heritage Adjacency***

In addition to the Historic Area Overlay, the subject site is also located within the Heritage Adjacency Overlay. Figure 1 at the beginning of this report highlights the numerous Local and State Heritage Places and buildings surrounding the site.

This Overlay was given thorough consideration in assessing potential impacts the proposed development may have on adjacent heritage buildings. Through consultation with Council's Heritage Advisor, Mr Ian Hamilton, the Planning Team, and in response to specific concerns raised in representations regarding nearby heritage items, several amendments were made to the proposal to ensure adequate compliance with the Overlay.

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

Performance Outcome/Designated Performance Feature 1.1 requires that habitable buildings have a finished floor level (FFL) at least 300mm above either the highest point of the top of kerb (TOK) of the primary street, or, where no kerb exists, above the highest natural ground level at the primary street boundary.

The proposed two-storey dwellings fronting Hagen Street and Smillie Street have a ground FFL of 5.00 metres, which is higher than the TOK level for Hagen Street and most of Smillie Street, noting that the kerb level rises with the road slope to the east.

The single-storey dwelling fronting Frome Street proposes an FFL of 3.40 metres, well above the relevant TOK level.

Consistent with the Desired Outcome, this Overlay adopts a precautionary approach to flood risk management concerning built form, despite no specific flood risk being identified for this site.

The applicant has confirmed that finished floor levels will be designed to minimise flooding risk and comply with the Building Code of Australia.

Stormwater from the dwellings will be appropriately retained or detained before being discharged into Council infrastructure. No watercourses or water bodies are expected to be adversely affected by the development.

Accordingly, there is no increased risk or additional risk of flooding as a result of this development.

### **Native Vegetation**

There is no Native Vegetation on the site. The applicant provided a declaration on submission in response to the Overlay:

The applicant has declared that:

*The proposed development will not or would not, involve the clearance of Native Vegetation under the Native Vegetation Act 1991, including any clearance that may occur in connection with a relevant access point and/or driveway, and/or within 10m of a building (other than a residential building or tourist accommodation), and/or within 20m of a dwelling or addition to an existing dwelling for fire prevention and control, and/or 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.*

## **GENERAL DEVELOPMENT POLICIES**

### **Clearance from Overhead Powerlines**

The applicant has provided an Electricity Declaration on submission of the application:

*The applicant has declared, under Clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017, that the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to regulations prescribed for the purposes of section 86 of the Electricity Act 1996.*

## **Design**

### Onsite Waste Treatment Systems

Each of the two-storey dwellings is proposed to be serviced by a trafficable septic tank, while the single-storey dwelling will be serviced by a non-trafficable septic tank.

The site and all dwellings are intended to connect to the local Community Wastewater Management System (CWMS) for wastewater disposal.

A wastewater connection application will be required to access the CWMS. A Reserve Matter is included in the recommendation below, requiring evidence of approval prior to the granting of Development Approval.

### Earthworks and Sloping Land

The proposed development involves no significant earthworks or cut-and-fill operations exceeding one metre.

The only notable retaining wall, less than one metre in height, will separate the dwellings fronting Smillie Street from those fronting Frome Street, consistent with Performance Outcome 8.1. No front fencing is proposed as part of the development.

The site's driveway and access points are relatively level. New access points, including crossovers and driveways, will maintain appropriate gradients in accordance with Performance Outcomes and Designated Performance Features 8.2 through 8.5.

#### Overlooking

Given the nature of the adjacent and surrounding land, there are no concerns regarding overlooking from the upper-level windows of the two-storey dwellings onto private open spaces or habitable windows of neighbouring residential properties.

The upper-level balconies and decks face Smillie Street, thereby presenting no issues of overlooking onto adjoining sites.

The relevant Performance Outcomes and associated Designated Performance Features (DPFs) are considered satisfied and within acceptable parameters concerning visual appearance and building massing, particularly as a result of the recent amendments.

#### Front elevations and passive surveillance

As demonstrated by the provided streetscape elevations, the proposed development offers a strong level of passive surveillance to the public realm. Each dwelling satisfies Performance Outcome/Designated Performance Feature 11.1 by incorporating at least one window from a habitable room facing the primary street, with a minimum dimension exceeding 2.4 metres and a total aggregate window area of at least 2m<sup>2</sup>.

#### Outlook and amenity

The proposed dwelling configuration has ensured all dwellings face a public street. No dwellings are orientated toward adjoining properties.

There are multiple areas within each floor plan that maintain an external outlook to provide a high standard of amenity for the occupants. PO/DPF 12.1 is satisfied.

#### Garage appearance

The Code aims to ensure that garages do not dominate or detract from the streetscape or the appearance of dwellings, particularly given the heritage character of the area. The proposed garages for the five dwellings fronting Smillie Street are accessed internally from the site and will not be visible from the street.

The single-storey dwelling fronting Frome Street includes an outbuilding garage located to the side and rear of the dwelling, providing undercover parking. This outbuilding is set back substantially and is not considered to dominate the appearance of either the dwelling or the adjacent heritage structures.

Furthermore, the materials and roof pitch of the proposed outbuilding have been designed to complement both the main dwelling and the heritage character of the area. Accordingly, Performance Outcome and Designated Performance Feature 14.1 are considered to be satisfied.

#### Massing

The Code aims to ensure that residential development minimizes visual massing and the presence of large building forms when viewed from adjoining allotments or public streets. Although the proposed development increases the height and levels compared to the existing single-storey motel, the design and choice of materials have been carefully considered to mitigate any unreasonable visual impact resulting from the building's mass.

Amendments to the plans, including lowering the overall height to 6.9 metres, reducing the eave height, adjusting the roof pitch, and varying external materials, have been incorporated to better align the development with the intent of the Code. These changes ensure the proposal is more compatible with the Neighbourhood Zone and its setting within the heritage character area.

#### Private Open Space

Each dwelling benefits from private outdoor space, including ground-level private open areas to the sides, front courtyard spaces, and upper-level balconies. The dwelling fronting Frome Street also features generous private open space at the rear of the site.

The proposed development generally complies with PO/DPF 17.1

#### Carparking, access and manoeuvrability

The enclosed car parking spaces meet the minimum dimension requirements for functionality, accessibility, and convenience, satisfying PO/DPF 19.1.

Vehicle access to the designated parking spaces for the five two-storey dwellings will be provided via a new 5.5-metre-wide shared driveway from the Hagen Street frontage.

A separate new access point is proposed for the single-storey dwelling and its associated garage fronting Frome Street.

Both access points are adequately set back from nearby intersection tangent points, are not located near pedestrian crossings, and do not require the relocation of street infrastructure. Existing trees along the Hagen Street frontage are proposed to be retained; however, two bottlebrush trees on the Frome Street frontage are proposed for removal. To offset this loss of canopy, the applicant has included substantial additional plantings as part of the proposal.

Overall, both access points are considered to satisfy the relevant Performance Outcomes and Designated Performance Features relating to car parking, access, and manoeuvrability.

#### Waste storage

Adequate opportunity is maintained for the convenient storage of waste bins to be allocated to each dwelling in a location screened from views. PO 20.1 is satisfied.

#### **Infrastructure**

The proposed dwellings are to be connected to mains water supply with the capacity to meet the requirements of the intended use to meet PO/DPF11.2.

The site and each dwelling are proposed to connect to the local CWMS network for wastewater management. A Reserve Matter is included in the below recommendation to require evidence of approval before Development Approval is granted.

#### **Traffic Impact, Access and Parking**

##### Vehicle Parking Rates

The proposed development includes seven (7) undercover car parking spaces to serve the five dwellings fronting Smillie Street, along with an additional five visitor parking spaces located between these dwellings.

The single-storey dwelling fronting Frome Street provides two undercover parking spaces within a separate garage (outbuilding), bringing the total on-site parking provision to 14 spaces. This satisfies the requirements outlined in Table 1 – General Off-Street Carparking Requirements.

The built form has been designed to ensure all building work is located entirely outside the standard Corner Cut-Off Area as specified in Designated Performance Feature 10.1. The development's siting also allows vehicles to safely manoeuvre into and out of the Smillie and Hagen Street intersection.

All relevant provisions for Transport, Access, and Parking within the General Development Policies and Design section of the Code have been met.

## **CONCLUSION**

Significant consideration has been given to the representor's concerns, particularly regarding the heritage character of the area and the built form of the proposed development. On behalf of his client, Mr Frank Brennan has responded to these concerns and amended the development proposal accordingly to address the issues raised by the representations, as well as feedback from Council's Heritage Advisor and Planning Team.

The proposed development for the Construction of 5 (Two-storey) Dwellings and 1 (Single Storey) Dwelling amendments have addressed the concerns raised, to a sufficient degree, that the proposed development warrants Planning Consent.

The proposal is considered to exhibit the following merit:

- Residential dwellings are an anticipated and appropriate land use within the Zone.
- The amendments to the proposed dwellings demonstrate respect for the heritage qualities of the area.
- The modern design, while sympathetic to adjacent heritage buildings, incorporates materials identified as suitable within the Heritage Character Overlay, thereby contributing positively to the local built form and streetscape.
- The overall height of the two-storey dwellings is considered, on balance, to respond acceptably to the heritage character, with only a minor departure of 300mm above the prescribed limit.
- Adequate on-site car parking is provided.
- The proposal is not considered to conflict with any of the Overlays applicable to the site.

## **INVITES**

Representor – Natasha Hogan

Representor – Richard Hughes

Representor – Andrew Smith

Applicant – Fran Brennan on behalf of Frank Brennan Consulting

Owner – Robe PMD No. 2 Pty Ltd

## **ATTACHMENTS**

1. Appendix 1 - Code Rules [6.3.1 - 94 pages]

2. Attachment 1 - Application Documents [**6.3.2** - 24 pages]
3. Attachment 2 - Representations [**6.3.3** - 15 pages]
4. Attachment 3 - Response to Representations [**6.3.4** - 34 pages]
5. Attachment 4 - Prescribed Body Response [**6.3.5** - 2 pages]
6. Attachment 5 - Internal Referrral Advice [**6.3.6** - 22 pages]

**7 URGENT MOTIONS WITHOUT NOTICE**

**8 MEETING CLOSE**