

AGENDA

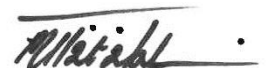
Limestone Coast Southern Regional Assessment Panel

Thursday 19 September 2024



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

Time: 5:00 pm
Date: Thursday 19 September 2024
Location: Council Chamber, District Council of Grant
324 Commercial Street West, Mount Gambier



Tracy Tzioutziouklaris
ASSESSMENT MANAGER
12 September 2024

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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

That the apology from Mark Teakle be received.

3 CONFIRMATION OF MINUTES

3.1 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Limestone Coast Southern Regional Assessment Panel Meeting held on 15 August 2024 be confirmed as an accurate record of the proceedings of the meeting.

4 QUESTIONS WITHOUT NOTICE

5 INVITEES

Invitees for Item 6.1 - 101 Jubilee Highway West, Mount Gambier

The Applicant - Georgia Quick and Brandon Pitts

Invitees for Item 6.2 - 4 Allan Drive, Mount Gambier

The Representor - Diane Harding

The Applicant - Frank Brennan on behalf of Shanae Coppick

Invitees for Item 6.3 - 125 Tarrant Road, Moorak

The Representor - Trudi Derbyshire

The Representor - Trudi Derbyshire on behalf of William Morrison

The Applicant - Bryan & Toni Haywood

Invitees for Item 6.4 - 48 Greenhill Road, Hatherleigh

The Applicant - Frank Brennan on behalf of Darren and Noeleen Sneath

Invitees for Item 6.5 - 764 Cafpirco Road, Compton

The Applicant - Frank Brennan

6 REPORTS

6.1 DA 24021103 - 101 JUBILEE HIGHWAY WEST, MOUNT GAMBIER - CHANGE OF USE

Author: Roslyn Snaauw, Senior Planner (City of Mount Gambier)

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24021103 - 101 Jubilee Highway West, Mount Gambier - Change of Use' as presented on Thursday 19 September 2024 be noted.
2. It is recommended that the Limestone Coast Southern Regional Assessment Panel resolve that:
 - (a) 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.
 - (b) Development Application Number 24021103, by Georgia Quick and Brandon Pitts is granted Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

1. The development shall be carried out in accordance with the Plan/s as approved by Council and with the Conditions of Approval.
2. The building/s and surroundings shall be maintained in a state of good repair and tidy condition at all times.
3. At all times whomsoever may be occupying the property, shall take all measures to ensure that the residential amenity of the immediate area is not affected by nuisance or disturbance associated with the operation of the 'Short Term Tourist Accommodation'.
4. All waste materials and refuse accumulated on the property shall be removed on a regular basis to ensure that the property is maintained in a clean and sanitary condition.
5. The maximum number of people to be accommodated within the Short Term Accommodation shall be six (6) people.

ADVISORY NOTES

General Notes

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights - General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

3. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
5. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate-
 - (a) until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - (b) if an appeal is commenced-
 - (i) until the appeal is dismissed, struck out or withdrawn; or
 - (ii) until the questions raised by the appeal have been finally determined (other than any question as to costs).

DEVELOPMENT NO.:	24021103
APPLICANT:	Georgia Quick Brandon Pitts
ADDRESS:	101 Jubilee Highway West, Mount Gambier
NATURE OF DEVELOPMENT:	To change the use of a detached dwelling to short term tourist accommodation
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Suburban Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Affordable Housing • Heritage Adjacency • Native Vegetation • Prescribed Wells Area • Urban Transport Routes • Water Protection Area <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 8m) • Minimum Frontage (Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 9m; row dwelling is 7m; group dwelling is 20m; residential flat building is 20m) • Minimum Site Area (Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 450 sqm; row dwelling is 350 sqm; group dwelling is 450 sqm; residential flat building is 350 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	12 Jul 2024
RELEVANT AUTHORITY:	Regional assessment panel/Assessment manager at Limestone Coast Southern Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.12 04/07/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Roslyn Snaauw Senior Planner
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	None

DETAILED DESCRIPTION OF PROPOSAL:

This application is for a change of use from a dwelling to residential accommodation to be used for tourist accommodation for a maximum of 6 guests.

No external or internal works are proposed with the existing dwelling which contains three (3) bedrooms, living area, bathroom, toilet, laundry and a kitchen/dining room. Externally there is a deck to the rear with access from the dining/kitchen room with a separate single car garage and storage area.

101 JUBILEE HIGHWAY WEST
MOUNT GAMBIER



SA = SMOKE ALARM

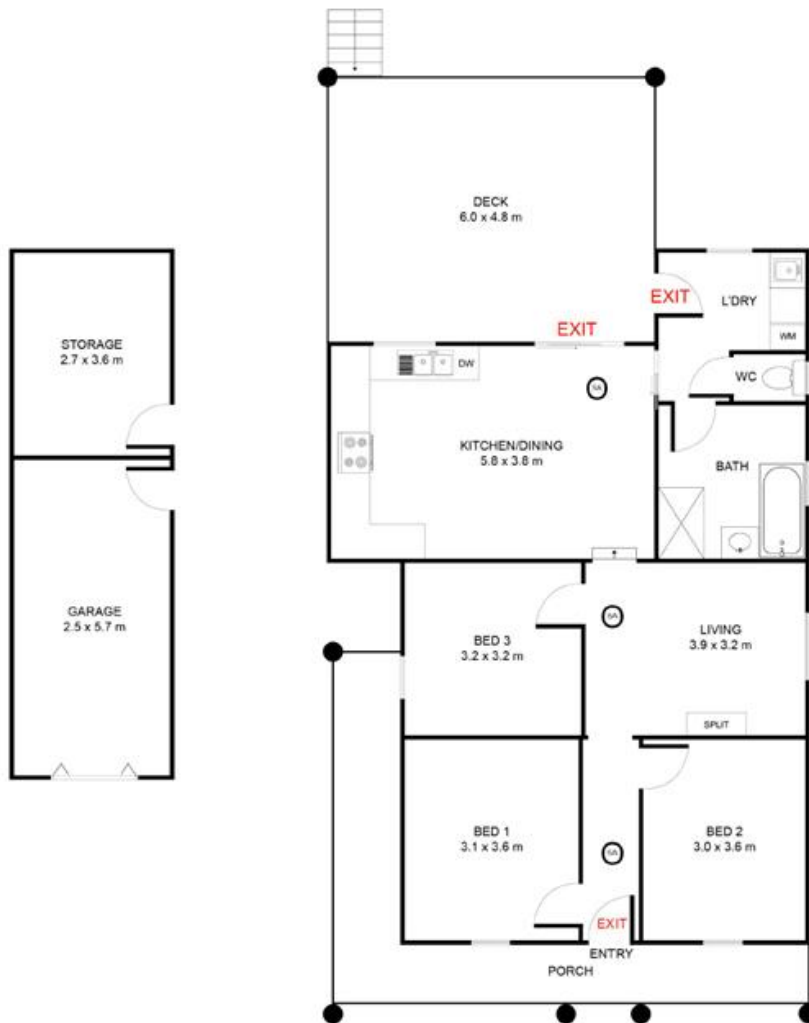


Figure 1: Floor plan

BACKGROUND:

The subject site is developed with a single storey dwelling and an outbuilding with access from Jubilee Highway to the north existing.

The site is being used for residential purposes.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 101 JUBILEE HWY W MOUNT GAMBIER SA 5290

Title ref.: CT 5108/19 **Plan Parcel:** D1602 AL1 **Council:** CITY OF MOUNT GAMBIER



Figure 2: Subject land highlighted in purple

Locality

The subject land has a rectangular configuration and is located within the Suburban Neighbourhood Zone as identified by the P&D Code (in effect) Version 2024.12 04/07/2024.

The subject land is surrounded by dwellings used for residential purposes with land to the north east located within the Local Activity Centre Zone and used for commercial/retail purposes with land further to the south east located within the Established Neighbourhood Zone.

The subject land has a total allotment area of approximately 1,195 square metres and contains a dwelling and outbuildings.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Change of building classification: Code Assessed - Performance Assessed
 - Tourist accommodation: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed
- **REASON**
 - P&D Code - No assessment pathway has been identified for this development. Development not classified as accepted, deemed-to-satisfy, restricted or impact assessed will be performance assessed on its merits against the Code.

PUBLIC NOTIFICATION

Public notification was required pursuant to Table 5 – Procedural Matters (PM) – Notification of the Planning and Design Code, as short-term tourist accommodation is not identified as being excluded from notification.

The application was placed on public notification with 33 owner/occupiers notified of the change of use with two (2) representations received.

- **LIST OF REPRESENTATIONS**

NAME	ADDRESS	CONCERNS
Tracey Crafter	43 Lindsay Street, Mount Gambier SA 5290	Supports the development with concerns regarding parking on Jubilee Highway.
Robert Clayson	97 Jubilee Highway West, Mount Gambier SA 5290	Supports the development with concerns regarding parking on Jubilee Highway.

- **SUMMARY**

Both Representations raised concerns regarding vehicles being parked along Jubilee Highway and not within the subject land.

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 is for a change of use to short term tourist accommodation. It is located in the Suburban Neighbourhood Zone. Development of this nature is appropriate within the site, locality and in the subject Suburban Neighbourhood Zone.

Section 107(2)(c) of the Act requires the Relevant Authority to determine whether the development is seriously at variance with the Planning and Design Code (The Code), Disregarding minor variations. A development that is seriously at variance with the Code must not be granted consent.

The Supreme Court previously explained:

“The expression “seriously at variance with the Development Plan” refers to that which is an important or grave departure in either quantity or degree from the Development Plan) It denotes something which is plainly not light or trifling. It is not enough that the proposal might conflict with the Development Plan; it must be seriously at variance with it (Mar Mina SA Pty Ltd v City of Marion [008] SASC 120).”

A more recent judgment of the Supreme Court has confirmed that planning authorities are to approach the ‘seriously at variance question’ in the same way it was approached under the predecessor act (para 74 of Geber Super Pty Ltd c the Barossa Assessment Panel [2023] SASC 154).

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*.

Quantitative Provisions

The subject land is located within the Suburban Neighbourhood Zone which has a Desired Outcome of low density housing is consistent with existing local context and development pattern. The use of the land for Short Term Tourist Accommodation, remains for residential purposes albeit for short term periods.

Land Use

The dwelling is existing with no proposed external works proposed and as such, remains contextual and compatible with the low density residential character of this area.

Traffic Impact, Access and Parking

The Planning and Design Code requires that 1 car parking space is provided per accommodation unit/guest room. The existing dwelling contains three (3) defined bedrooms that could be used by a total of six (6) guests.

The subject land is able to provide for one (1) car space under cover and further car spaces on site are able to be accommodated.

Environmental FactorsCrime Prevention

The subject land contains a surveillance camera that can monitor the site.

Noise Emissions

Code of Conduct for guests includes NO PARTIES and a noise curfew of 10:30pm.

Waste Management

Green waste bins and recycling bins are being provided on site which will be collected by Council.

CONCLUSION

The Applicant has responded to the Representations and agrees with their concerns raised with regards to parking along Jubilee Highway. The Applicant has advised that although car parking is available along Jubilee Highway they will be creating a message for future guests that cars are preferably parked on site behind the lockable gates. The Applicant is able to monitor this with security cameras on site.

Having regard to the context and nature of the subject site and locality, and the relevant provisions of the Planning and Design Code, the proposal is considered appropriate.

INVITEES

The Applicant - Georgia Quick and Brandon Pitts

ATTACHMENTS

1. Application Summary - 101 Jubilee Highway West [6.1.1 - 4 pages]
2. Application Documents [6.1.2 - 10 pages]
3. Combined Representations [6.1.3 - 3 pages]
4. Response To Representation [6.1.4 - 1 page]
5. Representation Map [6.1.5 - 1 page]
6. Subject Land Map [6.1.6 - 1 page]
7. Subject Land Zoning Map [6.1.7 - 1 page]
8. Planning and Design Code Rules [6.1.8 - 118 pages]

6.2 DA 24019483 - 4 ALLAN DRIVE, MOUNT GAMBIER - CHANGE OF USE

Author: Roslyn Snaauw, Senior Planner (City of Mount Gambier)

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24019483 - 4 Allan Drive, Mount Gambier - Change of Use' as presented on Thursday 19 September 2024 be noted.
2. It is recommended that the Limestone Coast Southern Regional Assessment Panel resolve that:
 - (a) The proposed development is 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*.
 - (b) Development Application Number 24019483, by Shanae Coppick is granted Planning Consent subject to the following conditions:

CONDITIONS

1. The development shall be carried out in accordance with the Plan/s as approved by Council and with the Conditions of Approval.
2. The building/s and surroundings shall be maintained in a state of good repair and tidy condition at all times.
3. The building and land shall not be used for purposes other than those approved by Council.
4. All waste materials and refuse accumulated on the property shall be removed on a regular basis to ensure that the property is maintained in a clean and sanitary condition.
5. The maximum number of dogs to be accommodated within the Dog Day Care Facility must not exceed 39.
6. The trading hours of the use of the land hereby approved shall not exceed the following:
Monday to Saturday 6:30am to 6:30pm.

ADVISORY NOTESPlanning ConsentGeneral Notes

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

5. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
- a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

DEVELOPMENT NO.:	24019483
APPLICANT:	Shanae Coppick
ADDRESS:	4 Allan Drive, Mount Gambier
NATURE OF DEVELOPMENT:	Change of use to animal keeping (Dog Day Care facility) and advertisement
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Employment Overlays: <ul style="list-style-type: none"> • Native Vegetation • Prescribed Wells Area • Water Protection Area
LODGEMENT DATE:	17 Jul 2024
RELEVANT AUTHORITY:	Regional assessment panel/Assessment manager at Limestone Coast Southern Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.12 04/07/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Roslyn Snaauw Senior Planner
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	None

DETAILED DESCRIPTION OF PROPOSAL:

This application is for a change of use of an existing structure previously as a light industrial workshop to be used for animal keeping (Dog Day Care facility) and advertisement signage.

Use

The subject land contains two (2) sheds. The front shed will contain the proposed Dog Day Care Facility with the rear shed being used by the landlord for storage purposes with an area 9.1 metres by 6.5 metres for dog training purposes.

The internal layout of the existing structure will contain a floor plan providing:

- Five (5) individual dog pens with the dimensions of 5.0 metres by 5.0 metres (total of 5 dogs)
- Three (3) pens 6.0 metres by 6.7 metres – maximum is 9 dogs per pen (total of 27 dogs)
- Dog play pen 4.0 metres by 6.0 metres – maximum is 5 dogs per pen (total of 5 dogs)
- Dog play pen 4.8 metres by 7.0 metres – maximum is 7 dogs per pen (total of 7 dogs)
- Bath room
- Reception area
- Retail space
- Office

- Staff room
- Seven (7) car spaces are provided on site
- Applicant has stated that the maximum number of dogs on site will be a total of 39 dogs with a total of 3 staff at maximum capacity.

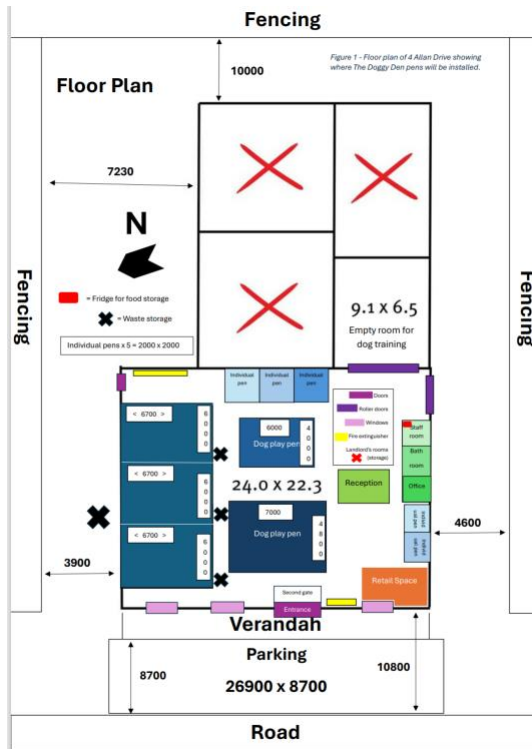


Figure 1: Floor Plan

It is proposed to operate the Dog Day Care Facility from 6:30am to 6:30pm Monday to Saturday.

Dogs will be kept inside the property after being dropped off and will be under constant supervision to minimise nuisance impact on any sensitive receivers.

Each dog pen will contain an area of real grass and soil for dogs to use as a toilet area and will be replaced as required.

Staff will clean pens, bowls, bedding and toys daily with a deep clean of the property proposed daily.

Internal walls are plastered with floating floor boards to be provided in certain areas to reduce and assist in noise control with the concrete flooring to be painted with waterproof seal to facilitate regular cleaning.

Waste

Waste removal will be into three (3) indoor bins with lids and bin liners which will be removed daily to the external outdoor green waste bin and collected weekly by the Council.

Signage

This application also proposes non illuminated signage above the entrance verandah along the western elevation.

The sign will measure 1.2 metres by 2.4 metres and will be secured flush to the building 3.5 metres from the ground.



Figure 2: Proposed signage

BACKGROUND:

The subject site was previously used as a light industrial workshop (Pioneer Country Furniture – furniture construction, showroom and hardware sales) with retail for the sale of antiques and 2nd hand furniture that operated Monday to Friday from 9:00am to 5:00pm and Saturday and Sunday from 10:00am to 3:00pm.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 4 ALLAN DR MOUNT GAMBIER SA 5290

Title ref.: CT 5867/706 **Plan Parcel:** D58094 AL6 **Council:** CITY OF MOUNT GAMBIER



Figure 3: Subject site highlighted with red arrow

Locality

The subject land has a rectangular configuration containing an existing structure (two joined sheds) and is located within the Employment Zone as identified by the P&D Code (in effect) Version 2024.12 04/07/2024. The subject land is surrounded by light industrial, commercial and businesses developed with structures supporting their use.

The subject land has a total allotment area of approximately 2,035 square metres.

Further to the south-east, along commercial street are residential dwellings located within the Employment Zone with the Suburban Neighbourhood Zone located further to the south west as shown below.



Figure 4: Subject site highlighted with zoning map showing location of Suburban Neighbourhood Zone (SN)

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Change of use: Code Assessed - Performance Assessed
 - Advertisement: Code Assessed - Deemed to Satisfy
 - Animal keeping: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed
- **REASON**
 - P&D Code; Animal keeping

PUBLIC NOTIFICATION

Public notification was required pursuant to Table 5 – Procedural Matters (PM) – Notification of the Planning and Design Code was undertaken as Animal Keeping is not an exempt activity.

The application was placed on public notification with 23 owner/occupiers notified of the change of use with one (1) representation received.

- **REPRESENTATION**

Name	Address	Concern
Diane Harding	306 Commercial Street West, Mount Gambier SA 5290	Supports the development but has concerns with regards to noise and odour

- **SUMMARY**

Representation regarding noise from barking dogs and odour.

Applicant has provided a response with regards to this Representation (Attachment 6) that details how noise and waste will be treated.

PLANNING ASSESSMENT

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

The Applicant has relied upon the Victorian Code of Practice for the Operation of Boarding Establishment by Animal Welfare in Victoria as there is no equivalent guidelines for South Australia including the Environment Protection Authority.

Question of Seriously at Variance

The proposed development is for a change of use to Animal Keeping (Dog Day Care Facility) and advertisement sign.

The subject land is located in the Employment Zone. Development of this nature is appropriate within the site, locality and in the subject Zone.

Section 107(2)(c) of the Act requires the Relevant Authority to determine whether the development is seriously at variance with the Planning and Design Code (The Code), Disregarding minor variations. A development that is seriously at variance with the Code must not be granted consent.

The Supreme Court previously explained:

“The expression “seriously at variance with the Development Plan” refers to that which is an important or grave departure in either quantity or degree from the Development Plan. It denotes something which is plainly not light or trifling. It is not enough that the proposal might conflict with the Development Plan; it must be seriously at variance with it (Mar Mina SA Pty Ltd v City of Marion [008] SASC 120).”

A more recent judgment of the Supreme Court has confirmed that planning authorities are to approach the ‘seriously at variance question’ in the same way it was approached under the predecessor act (para 74 of Geber Super Pty Ltd c the Barossa Assessment Panel [2023] SASC 154).

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.

Quantitative Provisions

The subject land is located within the Employment Zone which has a Desired Outcome for a diverse range of low-impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities.

Land Use

The structure comprises two (2) sheds that are joined. The previous use for light industry included furniture making which required the use of machinery such as sliding table saws and planer thicknesser machines.

This application is proposed to use the front section for the purpose of a Dog Day Care facility with the rear shed to remain as storage for the owners benefit.

Building Height

The structure is existing and has a wall height of approximately 4.0 metres.

Setbacks, Design & Appearance

The structure is existing and has an existing front boundary setback of 10.8 metres to the verandah. This setback includes car parking. The southern boundary setback of the structure being used for the proposed Dog Day Care facility is 4.6 metres and the northern boundary setback of 3.9 metres.

The subject land has existing landscaping provided along the car parking area facing Allan Drive.

The proposed signage above the verandah will not create proliferation of signage and it will not be illuminated.

Traffic Impact, Access and Parking

The subject land is providing seven (7) existing car spaces on site directly from Allan Drive.

The Planning and Design Code does not provide Animal Keeping as a class of development that has a car parking rate.

Council consider that provision of seven (7) car spaces sufficient to provide the short term vehicle parking for dog drop off and collection.

Environmental Factors

The Environment Protection Authority (EPA) provides an Evaluation distances for effective air quality and noise management guide.

This guide provides evaluation distances for effective air quality and noise management across interfaces between activities and sensitive receivers (in this instance residential dwellings).

Animal Keeping is not a class of development or activity defined by the Environment Protection Authority (only dog kennels, dog refuges, shelters and commercial dog kennels (boarding or breeding)).

This application was not required to be referred to the EPA pursuant to the Planning and Design Code

Noise Emissions

The Planning and Design Code does not differentiate between a Kennel or Dog Day Care.

The proposed Dog Day Care which contains internal pens and play pens are located within an existing structure and not located externally which will assist in minimising noise nuisance.

The Dog Day Care facility has the entrance facing Allan Drive.

The nearest sensitive receiver (dwelling) is located approximately 50 metres to the south also within the Employment Zone. A light industrial shed is located on the adjoining property between the subject land and the dwelling.

The Applicant has stated that the dogs, which will be contained inside the shed, will be regularly observed and managed to minimise any nuisance impact.

The flooring will be a laminate and rubber mat in each pen with the walls being plaster board.

The Applicant has stated that the average noise produced by a dog bark falls between 80db and 90db with vehicles operating between 70db and 90db.

Any noise that may escape the building will not be louder than the noise existing in this location which is within an area of light industry that contains existing noise emissions from machinery and trucks operating.

Waste Management

It is being proposed that each pen will have a tray with real grass and soil for dogs to go to the toilet on. Any faeces will be picked up in biodegradable bags with the grass tray renewed as required.

All waste will be disposed of in the Council green waste bin which is collected each week.

Multiple indoor bins with lids and lined with bin liners will be located outside the pens which will be emptied daily and the facility will have frequent spot cleans and deep clean of floors, fences, toys, bowls, beds etc daily at closing time.

Signage

The proposed non illuminated signage above the verandah will be in keeping with the area and will not be of a size that will be visually obtrusive but will be able to convey the message of the use of the subject land.

CONCLUSION

Having regard to the context and nature of the subject site and locality, and the relevant provisions of the Planning and Design Code, the proposal is considered appropriate and provides for a low-impact business activity that will complement the area filling a vacant building, with measures being provided to ensure minimal impact on sensitive receivers (dwellings) within the area.

INVITEES

The Representor - Diane Harding

The Applicant - Frank Brennan on behalf of Shanae Coppick

ATTACHMENTS

1. Application Snapshot - 4 Allan [6.2.1 - 4 pages]
2. Attachment 1 Application Documents [6.2.2 - 7 pages]
3. Attachment 2 Subject Land Map [6.2.3 - 1 page]
4. Attachment 3 Zoning Map [6.2.4 - 1 page]
5. Attachment 4 Representation Map [6.2.5 - 1 page]
6. Attachment 5 Representation - Diane Harding [6.2.6 - 1 page]
7. Attachment 6 Applicant Response To Representation [6.2.7 - 5 pages]
8. Appendix 1 Planning and Design Code Rules [6.2.8 - 106 pages]

6.3 DA 24012093 - 125 TARRANT ROAD, MOORAK - CAMPGROUND AND ADVERTISING SIGNAGE

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

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24012093 - 125 Tarrant Road, Moorak - Campground and Advertising Signage' as presented on Thursday 19 September 2024 be noted.
2. That the Limestone Coast Southern Regional Assessment Panel pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, resolve that the application is NOT seriously at variance with the Planning and Design Code for the following reasons:
 - (a) The proposed land use is not prejudicial to the Desired Outcome of the Rural Horticulture Zone.
 - (b) The identified departures from the Planning and Design Code are not considered to be 'important or grave.'
 - (c) The proposed development does not represent a grave departure from the Planning and Design Code zone for the purpose of the Seriously at Variance assessment under Section 107(2)(c) of the Act, given that the Rural Horticulture Zone contemplates a range of commercial development, with the proposal being a commercial use which supports the envisaged land use of value adding enterprises and activities and Tourist Accommodation.
3. That the Limestone Coast Southern Regional Assessment Panel resolve that:
4. Pursuant to Section 107 (2) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
5. Development Application Number 24012093, by Bryan Haywood, that planning consent is **granted** subject to the following conditions:

CONDITIONS**Condition 1**

The development must be undertaken in accordance with the plans and associated documentation comprising Development Application 24012093, except where varied by the following conditions and/or where changes are required to comply with the National Construction Code of Australia or relevant Australian Standards and Codes.

Condition 2

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.

Condition 3

No generators are permitted on site.

Condition 4

No earthworks are to occur on the site. A separate development application will be required seeking Development Approval should earthworks be proposed in future.

Condition 5

Maximum length of stay on-site per occupant is one (1) month within a calendar year. T

Condition 6

The landowner must maintain an accurate record of all occupants including the following minimum details with regard to every guest, which shall be provided to Council upon request:

- Name(S)
- Home Address
- Arrival Date
- Departure Date

Condition 7

There shall be no more than six (6) occupants per designated site at any given time unless otherwise agreed to by Council in writing.

Condition 8

Private roads and access tracks shall provide safe and convenient access for bushfire fighting vehicles as follows:

- Access to the building sites shall be of all-weather construction, with a minimum formed road surface width of 4 metres and must allow forward entry and exit for large bushfire fighting vehicles.
- All dead-end roads shall be constructed to allow large bushfire vehicles to turn around with safety.

Condition 9

Dense tree/shrub planting shall be established along the front property boundary, to the reasonable satisfaction of Council, so as to provide a screen/buffer between the development and the adjacent road.

Condition 10

Landscaping along the front property boundary is to be planted within six (6) months from the date of this approval. Trees/shrubs are to be maintained in good and healthy condition at all times, with prompt replacement of any plants that may die.

Condition 11

All vehicles shall enter and exit the site in a forward direction.

Condition 12

Levels of dust and other airborne particulate matter are not to exceed those specified by the Environment Protection Authority.

Condition 13

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

Condition 14

All campfires/fire pits must comply with the *Fire and Emergency Services Act 2005*, *Environment Protection (Air Quality) Policy 2016*, and the *Local Nuisance and Litter Control Act 2016*.

Condition 15

The proposed sign is approved for erection in the location specified.

Condition 16

Any new access and gateway for the development proposal shall be flared and include setback of gates at least ten (10) metres into the property, to ensure that vehicles can be parked off the carriageway of Tarrant Road when gates are closed.

Condition 17

Any new access point and gateway shall be undertaken and constructed in consultation with Council's Director of Works and Infrastructure or their delegate.

ADVISORY NOTES**Advisory Note 1**

The Planning Consent granted does not imply, allow or consider that any approval has been granted by any other authority. The applicant/owner shall consider if any other approval is required in relation to an encumbrance or easement over the land (if any) and where required obtain the relevant approval from the other authority.

You can confirm if there are any encumbrances or easements affecting the land by obtaining a copy of the Certificate of Title here: <https://sailis.lssa.com.au/products/titleSearch/titleDetailsSearch?form>

DEVELOPMENT NO.:	24012093
APPLICANT:	Bryan Haywood Toni Haywood
ADDRESS:	125 Tarrant Road, Moorak
NATURE OF DEVELOPMENT:	Campground for self-contained vehicles and advertisement sign
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Rural Horticulture <p>Overlays:</p> <ul style="list-style-type: none"> • Dwelling Excision • Hazards (Bushfire - General) • Hazards (Flooding - Evidence Required) • Limited Land Division • Native Vegetation • Prescribed Wells Area • Water Protection Area <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Finished Ground and Floor Levels (Minimum finished ground level is 1.85m AHD; Minimum finished floor level is 2.1m AHD) • Minimum Site Area (Minimum site area is 15 ha)
LODGEMENT DATE:	26 Jun 2024
RELEVANT AUTHORITY:	Regional assessment panel/Assessment manager at Limestone Coast Southern Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.11 20/06/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes – Seven (7) adjoining landowners notified Six (6) representations received
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

DETAILED DESCRIPTION OF PROPOSAL:

An application has been lodged with Council for a change of land use to include a Campground for up to eight (8) self-contained vehicles/caravans on un-powered sites and a 0.25 metre x 0.25 metre advertising sign to identify the property for guests at Moorak.

The campground is to be located in the north-western corner on 4,000 m² of the 6.04 ha (60,400 m²) allotment.

Access to the campground is currently through a set of double-gates fronting Tarrant Road, an all-weather sealed, but narrow trafficable road.

BACKGROUND:

The landowners established and operated the proposed development for a few months early in 2024 until Council were advised of its existence by a Tarrant Road landowner. The Applicants were unaware at that time that they required Council approval for a change of land use and have complied with Council to close the business and lodge a Development Application seeking Development Approval.

Development Application 24012093 was lodged on 26 June 2024 accordingly.

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

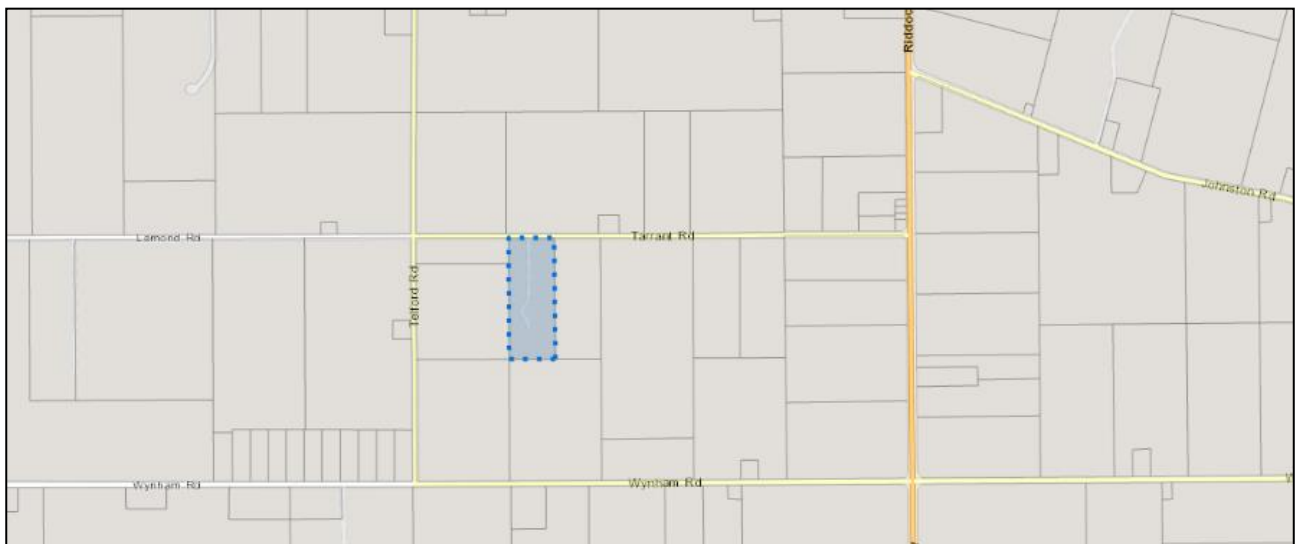
Location reference: 125 TARRANT RD MOORAK SA 5291

Title ref.: CT 5405/73 **Plan Parcel:** F193180 AL188 **Council:** THE DC OF GRANT

The subject land is reasonably flat and is located south-west of Mount Gambier and contains an existing dwelling and a large portion of vacant farming land fenced into paddocks.

The rectangular shaped allotment has a road frontage of approx. 150 metres, area of 6.04 ha and is established with existing landscaping, predominantly surrounding the dwelling at the rear of the allotment.

The development proposal is to be located in the north-western corner of the allotment within a paddock of approx. 0.4 ha (4,000 m²).



SAPPA Mapping - 6 September 2024



Google Earth - 6 September 2024

Locality

The locality is characterised with rural horticulture allotments in a mixture of sizes utilised for primary production in the form of grazing and cropping. Many of these allotments contain dwellings with outbuildings and agricultural buildings. Further south-west is a strip of Rural Living allotments, and to the north-west is the Moorak School, Moorak Hall and CFS.

The nearest sensitive receiver to the proposed development is approx. 110 metres to the north-east from the proposed development.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Other - Commercial/Industrial - Campground for self-contained vehicles and advertisement sign: Code Assessed - Performance Assessed
 Advertisement: Code Assessed - Performance Assessed
 Change of use: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code

PUBLIC NOTIFICATION

- **REASON**

Table 5 - Procedural Matters (PM) - Notification

Public Notification was undertaken since the development proposal was determined to be Performance Assessed with public notification since the proposed development was not listed as exempt in 'Table 5 - Procedural Matters (PM) – Notification' and was not deemed to be minor in nature.

Seven (7) adjoining landowners were notified that the development proposal was on public notification from 5 Jul 2024 until 25 Jul 2024.

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

Placement of Notices – Exemptions for Performance Assessed Development

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

• **LIST OF REPRESENTATIONS**

Six (6) representations were received as a result of the public notification of the development proposal.

No.	Name & Address	Reason for Representation	Wishes to be Heard?
1.	Madeleine McPherson 155 Tarrant Road, Moorak SA 5291	<ul style="list-style-type: none"> I support the development 	No
2.	William Morrison 7 Link Street, Mount Gambier SA 5290	<ul style="list-style-type: none"> I oppose the development Area is Rural Living/Horticulture not Commercial Road is single lane, not suitable for caravans No facilities at the site, were campers Walking dogs, horses etc would be come a danger through increased traffic Tranquillity of area would be gone 	Yes Represented by Trudi Derbyshire
3.	Lachlan McPherson 155 Tarrant Road, Moorak SA 5291	<ul style="list-style-type: none"> I support the development with some concerns Noise, rubbish Policing of rules and curfew Emergency gate exit is onto our property which has horses in there Intoxicated guests feeding or interfering with horses Extra traffic on single lane road 	No
4.	Trudi Derbyshire 98 Tarrant Road, Moorak SA 5291	<ul style="list-style-type: none"> I oppose the development Single lane country road with verge either side 	Yes

		<ul style="list-style-type: none"> • With local traffic, stock movement, farming equipment, don't need extra pressure of caravans and RV 's, would become too congestive • People/children, walk, cycle, dogs and horses • Rural Horticultural area, not Commercial • Moved for the country lifestyle to avoid noise, crime and intoxicated persons • Operating without approval prior to application, with tents – increase in noise, traffic impacts • Advertising signage up before approval was granted • No Public Notification (QR) sign up • No guarantee of compliance, who will monitor this? • Dog excrement and human waste • Noise, noise report? • Already enough accommodation nearby • SA Parks Summary – Compliance with their rules • Consider residents lifestyle, not needed 	
<p>5.</p>	<p>AJ and EA Leibhardt 72 Tarrant Road, Moorak SA 5291</p>	<ul style="list-style-type: none"> • I oppose the development • Operated without approval • Potential for increased traffic and larger vehicles towing caravans • Damage to road • Lifestyle will be affected • Noise and fire pits, concerns of fire outbreaks • Animals allowed to accompany campers, concern for stock being 	<p>No</p>

		<p>harmed, horses, cattle and pets</p> <ul style="list-style-type: none"> • Rubbish • Safety and crime • Existing caravan park nearby 	
6.	<p>Marg Williams 53 Tarrant Road, Moorak SA 5291</p>	<ul style="list-style-type: none"> • I support the development 	No

• **SUMMARY**

In summary the representors have collectively raised the following concerns:

- Is not a Commercial zone
- Narrow road, impact on road and road verge, damage to road
- Traffic impact, congestion
- No amenities/water
- Emergency gate to neighbours
- Noise impact
- Rubbish
- Guest behaviour
- Impact on local cattle, horses and pets
- Monitoring of compliance
- Impact from guests’ pets
- Nearby accommodation existing
- Impact on lifestyle
- Impact on character and amenity

• **RESPONSE TO REPRESENTATIONS**

Mr and Ms Haywood have responded to the representations, and a summary is provided below:

- Zoning – The Rural Horticulture Zone envisages value adding opportunities with less emphasis given to tourist accommodation.
- Single lane road and increased traffic – Will always be a single lane road, drivers need to be mindful of the narrow width when driving, walking, riding. The existing road is of a suitable width and standard to cater for the anticipated vehicles attending the site with minimal impact on the local road network.
- No facilities on site, camping in tents – The site will be promoted with NO facilities, and guests will be expected come, stay and leave no trace. During the March to April 2024 period this was the experience, with no rubbish, excrement or disposal of waste on the site. We do not anticipate any issues moving forward.
- Disturbance to neighbours, horses, livestock, dogs and walkers – These are legitimate concerns and not behaviours that form a Hip Camp ethos. All guests to date have been respectful, well-mannered and leave the site as they find it. Guests with dogs must keep them on a lead and the distance between sites provides ample space unlike some caravan parks.

As hosts living on the same site, any issues will be promptly resolved. Amendments will be made to the Hip Camp rules to specify the use of short leads (less than 5 metres) to minimise any interactions with neighbouring dogs/campers or livestock.

- Tranquil area, noise, policing rules and curfews – The development is not expected to create any adverse impact upon the residents of Tarrant Road as it is not expected to create any noise impacts and is well setback from neighbouring allotments to the east and west. The operation is not expected to cause any nuisance and will comply with the Environment Protection (noise) Policy 2007.
- Emergency Gate and Camp fires – The gate can be removed but does provide a potential emergency exit point into our neighbours to the west. The development is within a General Bushfire Risk area. Moorak CFS is approx. 2 kms away. The property is well maintained minimising risk of fire danger and has all-weather access for emergency vehicles. Fire pits are provided and cannot be lit on days of Total Fire Ban. Emergency Water is provided. As hosts living on the property, any issues arising will be resolved promptly.
- Other nearby accommodation options should be used instead of this Hip Camp Site – Other nearby accommodation sites may not be suitable, and this allows tourists to stay if other options are fully booked. Hip Camp guests are likely to prefer tranquil areas in the countryside and away from busy highways and main roads.
- We submit that the proposed development is an appropriate form of development.

INTERNAL REFERRAL

Works and Infrastructure Department – Director of Works and Infrastructure

Council's Director of Works and Infrastructure, Mr A Schutz has been consulted and is satisfied that the proposed development will not impose any additional significant traffic impact to Tarrant Road and has advised that vehicles/caravans entering or exiting the subject land will not be on the verge of the road any longer than any other type of vehicle/farm machinery users currently using this road.

In discussions with Mr Haywood, he has advised Council Officers that he is proposing to alter the access point and gateway to Tarrant road in future to create a flared entrance with a recessed gateway into the paddock to allow guests to park off of Tarrant road while opening the gate to enter the property.

PLANNING ASSESSMENT

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

Question of Seriously at Variance

The proposed development comprising a Campground for self-contained vehicles/caravans and an advertising sign is not seriously at variance. It is located in the Rural Horticulture Zone. Development of this nature is appropriate within the site, locality or in the subject zone for the following reasons.

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

The proposed development does not represent a grave departure from the Planning and Design Code zone for the purpose of the Seriously at Variance assessment under Section 107(2)(c) of the Act, given that the Rural Horticulture Zone contemplates a range of commercial development, with the proposal being a commercial use which supports the envisaged land use of value adding enterprises and activities and Tourist Accommodation.

The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

Rural Horticulture Zone

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

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

Land Use and Intensity

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

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

Development comprises one or more of the following:

- a) Advertisement
- b) Agricultural building
- c) Brewery
- d) Carport
- e) Cidery
- f) Distillery
- g) Dwelling
- h) Dwelling addition
- i) Horse keeping
- j) Horticulture
- k) Industry
- l) Low intensity animal husbandry
- m) Outbuilding
- n) Shop
- o) Small-scale ground mounted solar power facility
- p) Tourist Accommodation
- q) Transport distribution
- r) Verandah
- s) Warehouse
- t) Winery
- u) Worker's accommodation

Although the proposed Campground for self-contained vehicles/caravans is not specifically listed in DTS/DPF 1.1 of the Zone, it does contemplate a value-adding use that bring tourists to the area and economically supports the Limestone Coast without compromising horticultural/rural industry activities.

The subject land is of a size that the proposed use will not impede on the operation or function of horticultural/ rural industry activities on the subject land or neighbouring properties, noting the locality has a mixed use of rural and horticultural activities, and rural living. The differing factor is that it is in a more natural, relaxed setting, with no facilities or amenities provided, and guests must be fully self-contained for all services.

Tourist accommodation is an envisaged use in the Zone. The campground is a form of tourist accommodation. The Campground proposed is located on the north-western side of the allotment fronting Tarrant Road on only 4,000m² of the 60,400 m² (6.0 ha) allotment . This offers an alternative use of the land which will not impede the existing use as a rural residential land parcel.

The proposed campground may also be used for Tourist Accommodation during significant events within the Limestone Coast e.g. Generations in Jazz and offers an alternative to other forms of accommodation within the region, which will assist with accommodating guests when all other options are fully booked or not viable.

Siting and Design

PO 2.1 – DTS/DPF 2.1

- The proposed development is serviced by an all-weather sealed trafficable public road, Tarrant Road, Moorak.

PO 2.2 – DTS/DPF 2.2 (a) (b)

- No buildings are proposed as part of this development proposal.

Built Form and Character

PO 11.1 – DTS/DPF 1.1

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

- (a) Having substantial setbacks from boundaries and adjacent public roads
- (b) Using low-reflective materials and finishes that blend with the surrounding landscape
- (c) Being located below ridgelines

Whilst this development proposal does not include any structures, visual impact will be minimised with existing and proposed landscaping on the northern road boundary.

Advertisements

PO 15.1 – DTS/DPF 15.1 (a) (b)

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

The proposed advertising sign will have minimal visual impact on the locality and therefore will not dominate the locality. It is simply for guests to identify the subject land once booked.

Part 3 - Overlays

Hazards (Bushfire – General Risk) Overlay

Assessment Provisions (AP)

- DO 1 Development, including land division responds to the general level of bushfire risk by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change.
- DO 2 To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.

Siting

PO 1.1 – DTS/DPF 2.1

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

Built Form

PO 2.1 – DTS/DPF 2.1

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

Vehicle Access – Roads, Driveways and Fire Tracks

PO 5.1 (a) (b) – DTS/DPF 5.1 (a) (b)

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

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

PO 5.3 – DTS/DPF 5.3

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

The proposed development is located within a 'General' bushfire risk area and although there is no specific formed road/track within the site of the campground, the furthest part of the campground is 80 metres from the Tarrant Road access and there is a gate access on the eastern side of the allotment to the internal driveway of the landowner which is an all-weather trafficable unsealed internal road which provides both access and exit should a bushfire occur.

It should be noted that the gateway to the western landowner's property should not be considered as an emergency exit for this development as it may be removed, locked or inaccessible to the guests as the Applicant/landowner does not own the adjoining property and does not have a legal right of way access.

The Applicant has proposed to supply emergency water on the site in the event that there is a fire.

Native Vegetation Overlay

Assessment Provisions (AP)

DO 1 Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.

No vegetation is to be cleared or impacted by this development proposal.

Part 4 - General Development Policies

Clearance from Overhead Powerlines

Assessment Provisions (AP)

DO 1

PO 1.1 – DTS/DPF 1.1 (a) (b)

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

Design

Assessment Provisions (AP)

DO 1 Development is:

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

All Development

External Appearance

PO 1.1 – DTS/DPF 1.1

The proposed campground will have a visual impact; however, the visual impact will be minimised with existing landscaping and proposed landscaping on the northern road boundary.

Infrastructure and Renewable Energy Facilities

Assessment Provisions (AP)

DO 1 Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.

The sites are not connected to infrastructure and will be required to provide their own power, water and self-contained effluent disposal, which is now common within campgrounds and un-powered sites for caravan sites.

The applicant has indicated that there will be emergency water only provided on the site.

Interface between Land Uses

Assessment Provisions (AP)

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

General Land Use Compatibility

PO 1.1 – DTS/DPF 1.1

PO 1.2 – DTS/DPF 1.2

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

Hours of Operation

PO 2.1 (a) (b) (c) (d) – DTS/DPF 2.1

The development proposal is located an adequate distance away from sensitive receivers within the locality and will be managed by the proposed rules for guests and managed on site by the landowners who will be closer than any sensitive receiver and able to resolve any issues promptly.

Rules have been incorporated and amended to ensure that the EPA's relevant policies in relation to noise and air quality will be met. If managed in accordance with the application documents and guest rules, it is unlikely that there will be any significant issues arise.

The proposed hours for guests to arrive and depart are consistent with all types of accommodation and will be unlikely to cause any significant impact with the site only accommodating a maximum of eight (8) sites.

Activities Generating Noise or Vibration

PO 4.1 – DTS/DPF 4.1

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

The development proposal is located an adequate distance away from sensitive receivers within the locality and will be managed on site by the landowners who will be closer than any sensitive receiver and able to resolve any issues promptly.

Any noise generated by the facility is not considered to be unreasonable and has been conditioned and to comply with the requirements of the EPA's *Environment Protection (Commercial and Industrial Noise) Policy 2023*.

The Applicant has specified within the guest rules and booking information that there are strict guidelines for managing noise on the site.

Interface with Rural Activities

PO 9.1 – DTS/DPF 9.1

PO 9.2 – DTS/DPF 9.2

PO 9.3 – DTS/DPF 9.3

PO 9.4 – DTS/DPF 9.4

PO 9.5 – DTS/DPF 9.5

PO 9.6 – DTS/DPF 9.6

PO 9.7 – DTS/DPF 9.7

Whilst the proposed development does not contain built form, it is not envisaged to impact on the existing rural activities within the vicinity.

Concerns have been raised by the representors with regard to guests interfering with the daily activities enjoyed and associated with a rural lifestyle. The campground will be managed by the owners who reside onsite to ensure that guests do not cause any nuisance, concern or environmental issues for the existing character of the area, or for stock, pets or persons within the vicinity.

Any adverse behaviour from guests will be managed by the landowners, with support, if necessary, from the relevant authorities.

It is noted that the campground was in operation during March to April 2024 without Council being aware of it. Whilst it was not operating with Council Approval, there was no detrimental affect to the locality during that time. It is envisaged that once the new access and gateways, landscaping and emergency water supply are incorporated, concerns will be alleviated, and the area can continue to be enjoyed by all who reside or visit there.

Tourism Development

Assessment Provisions (AP)

DO 1

Tourism development is built in locations that cater to the needs of visitors and positively contributes to South Australia's visitor economy.

General

PO 1.1 (a) (b) (c) – DTS/DPF 1.1

Tourism development complements and contributes to local, natural, cultural or historical context where:

- (a) it supports immersive natural experiences
- (b) it showcases South Australia's landscapes and produce
- (c) its events and functions are connected to local food, wine and nature.

PO 1.2 – DTS/DPF 1.2

The development proposal will create a relaxed, natural setting for guests who are self-contained in their RV vehicles or Caravans to stay in the region on a short-term basis allowing them to visit and explore the many shops, tourist attractions and attend events within the Limestone Coast region which will benefit our local communities by boosting the economy and supporting jobs in our own region.

The proposed campground will be landscaped to reduce the visual amenity from Tarrant Road and is located far enough away from the sensitive receivers to ensure no conflict of their current lifestyle.

Transport, Access and Parking

Assessment Provisions (AP)

DO 1

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

Movement Systems

PO 1.1 – DTS/DPF 1.1

Sightlines

PO 2.1 – DTS/DPF 2.1

Vehicle Access

PO 3.1 – DTS/DPF 3.1 (a) (b)

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

PO 3.3 – DTS/DPF 3.3

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

PO 3.4 – DTS/DPF 3.4

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

PO 3.8 – DTS/DPF 3.8

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

Access to the proposed campground is from the existing all-weather trafficable road, Tarrant Road, which is a narrow country road with a grassy verge on each side.

The existing road is of a suitable width and standard to cater for the anticipated 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 Director of Works and Infrastructure's consultative advice above has been taken into consideration with this assessment.

CONCLUSION

Having regard to the provisions of the Planning and Design Code, the proposed Campground for self-contained vehicles/caravans and advertising sign is supported in the Rural Horticulture Zone and warrants planning Consent.

The proposed development will assist to meet the growing needs for short-term holiday accommodation within the Limestone Coast Region.

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

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

The environmental impact of the proposal is minimal and acceptable.

The proposed development in the Rural Horticulture Zone, is separated adequately from neighbouring properties, has no land use conflicts and an acceptable visual impact.

INVITEES

The Representor - Trudi Derbyshire

The Representor - Trudi Derbyshire on behalf of William Morrison

The Applicant - Bryan & Toni Haywood

ATTACHMENTS

1. Appendix 1 - Relevant P& D Code Policies [6.3.1 - 115 pages]
2. Attachment 1 - Application Documents [6.3.2 - 10 pages]
3. Attachment 2 - Subject Land Map [6.3.3 - 2 pages]
4. Attachment 3 - Zoning Map [6.3.4 - 1 page]
5. Attachment 4 - Representation Map [6.3.5 - 1 page]
6. Attachment 5 - Representations [6.3.6 - 22 pages]

6.4 DA 24009814 - 48 GREENHILL ROAD, HATHERLEIGH - REVIEW OF DECISION

Author: Kayla Gaskin-Harvey, Planning Consultant (Wattle Range Council)

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24009814 - 48 Greenhill Road, Hatherleigh - Review of Decision' as presented on Thursday 19 September 2024 be noted.
2. Section 107(2)(c) of the Act requires the Relevant Authority (the Limestone Coast Southern Regional Assessment Manager or delegate) to determine whether the development is seriously at variance with the Planning and Design Code (The Code), disregarding minor variations. A development that is seriously at variance with the Code must not be granted consent.

The Supreme Court previously explained:

"The expression "seriously at variance with the Development Plan" refers to that which is an important or grave departure in either quantity or degree from the Development Plan) It denotes something which is plainly not light or trifling. It is not enough that the proposal might conflict with the Development Plan; it must be seriously at variance with it (Mar Mina SA Pty Ltd v City of Marion [008] SASC 120)."

A more recent judgment of the Supreme Court has confirmed that planning authorities are to approach the 'seriously at variance question' in the same way it was approached under the predecessor Act.

When considering the above question it has been determined that the proposal is not seriously at variance with the Planning and Design Code.

3. Having had regard to the provisions of the Planning and Design Code, the Application and all supporting documentation, the development is considered to be at variance to the provisions of the Planning and Design Code and the decision to issue a Refusal for Planning Consent be affirmed pursuant to section 203(4) of the *Planning Development and Infrastructure Act 2016* for the following reason:

The proposed development will create an additional allotment within the Limited Land Division Overlay, contrary to Overlay PO 1.1.

DEVELOPMENT NO:	DA: 24009814
APPLICANT:	Darren and Noeleen Sneath, c/- Cameron Lock Surveying
PROPERTY ADDRESS:	48 Greenhill Road, Hatherleigh
PROPERTY OWNER:	Darren and Noeleen Sneath
AUTHOR:	Kayla Gaskin-Harvey, Consultant Planner
AUTHORISER:	Tracy Tzioutziouklaris, Assessment Manager
NATURE OF DEVELOPMENT:	Land Division (1 into 2)
DESCRIPTION:	Land Division (1 into 2)
ZONING:	Rural Living Zone
SUBZONE:	N/A

BACKGROUND

Pursuant to delegated authority, Planning and Land Division Consent was refused by Notice dated 15 July 2024 for Development Application (DA) 24009814 seeking to divide one allotment into two allotments at 48 Greenhill Road in Hatherleigh.

Section 202(1)(b)(A) of the *Planning, Development and Infrastructure Act, 2016* allows for a person who has applied for a development authorisation to apply to the Assessment Panel for a review of a decision of an Assessment Manager, for prescribed matters. Prescribed matters include a decision to refuse to grant an authorisation. Accordingly, the Applicant has applied to the Limestone Coast Southern Regional Assessment Panel to review the abovementioned decision to refuse to grant Planning and Land Division Consent for DA 24009814.

If the Applicant is unsatisfied with the outcome of the review by the Regional Assessment Panel, the Applicant may lodge a further appeal to the Environment, Resources and Development Court against the decision of the Regional Assessment Panel.

A copy of the Assessment Report for Refusal for this development application is attached to this report for Members information and perusal.

PROPOSED DEVELOPMENT

The development application is for a land division to divide one allotment into two allotments, referred to as Allotments 1 and 2. A copy of the application documents are attached, and the plan of division is reproduced in Figure 1 below.

Allotment 1 features a frontage of 78.0 metres to Greenhill Road to the east, a 151.3 metre frontage to an unmade and unnamed public road to the north and totals some 1.12 hectares in size. Due to the angle of Greenhill Road, the shape of the allotment is best described as a trapezium, with two sets of parallel boundaries. The allotment is vacant.

Allotment 2 features a frontage of approximately 61.7 metres to Greenhill Road to the east, a depth of up to 151.3 metres and totals some 1.2 hectares in size. Due to the angle of Greenhill Road, the allotment boundaries are slightly irregular in shape. The allotment is occupied by the existing dwelling and ancillary structures.

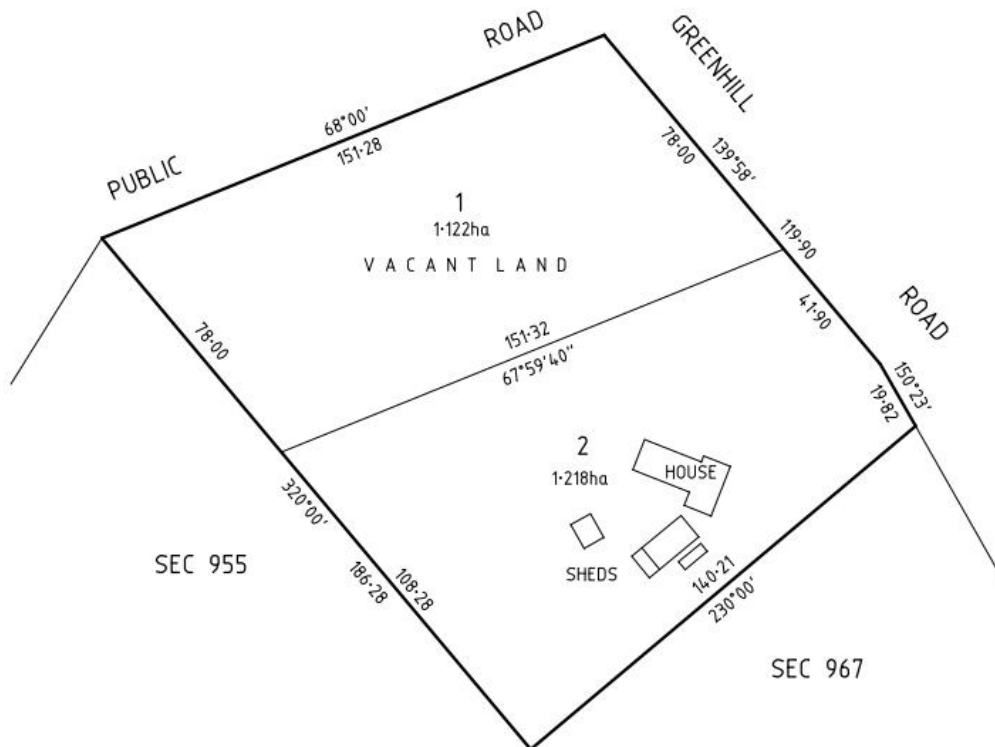


Figure 1: Proposed Plan of Division

LOCATION OF DEVELOPMENT:

Location reference: 48 GREENHILL ROAD, HATHERLEIGH SA 5280

Title ref.: CT 5482/587 **Plan Parcel:** H421400 SE956 **Council:** WATTLE RANGE COUNCIL

The subject land is located in the Rural Living Zone and is affected by the following Overlays, as identified in the P&D Code (in effect) Version 2024.7 (dated 18 April 2024):

- Hazards (Bushfire – General)
- Hazards (Flooding – Evidence Required)
- Limited Land Division
- Native Vegetation
- Prescribed Wells Area
- Water Protection Area

The subject land is somewhat rectangular in shape with a frontage of approximately 140 metres to Greenhill Road, a depth of up to 151.3 metres and totalling some 2.3 hectares in size. It has an existing dwelling and ancillary structures.

The land has a fall from west to east.

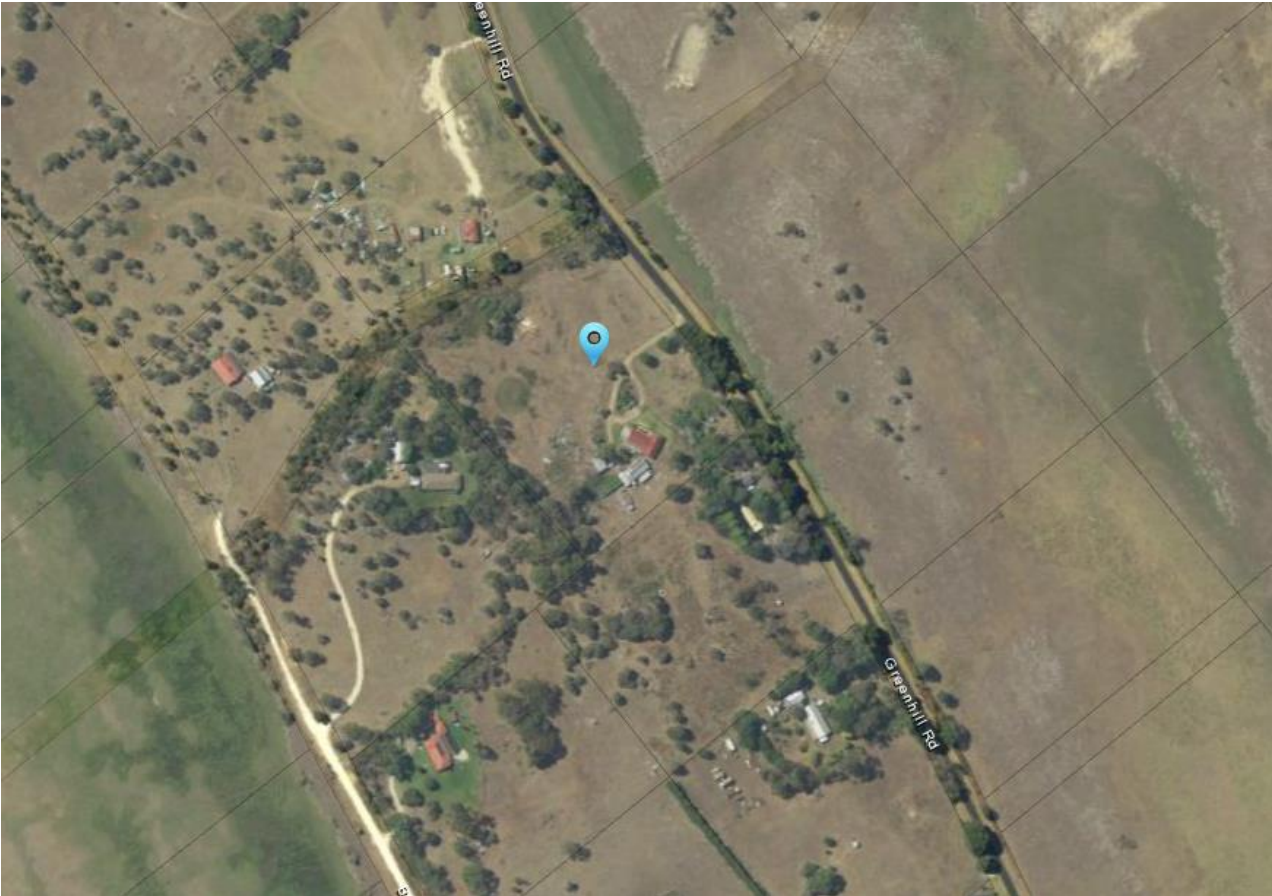


Figure 2: Subject site shown with blue arrow (Source: SAPPA, 9 September 2024 and imagery dated January 2019)

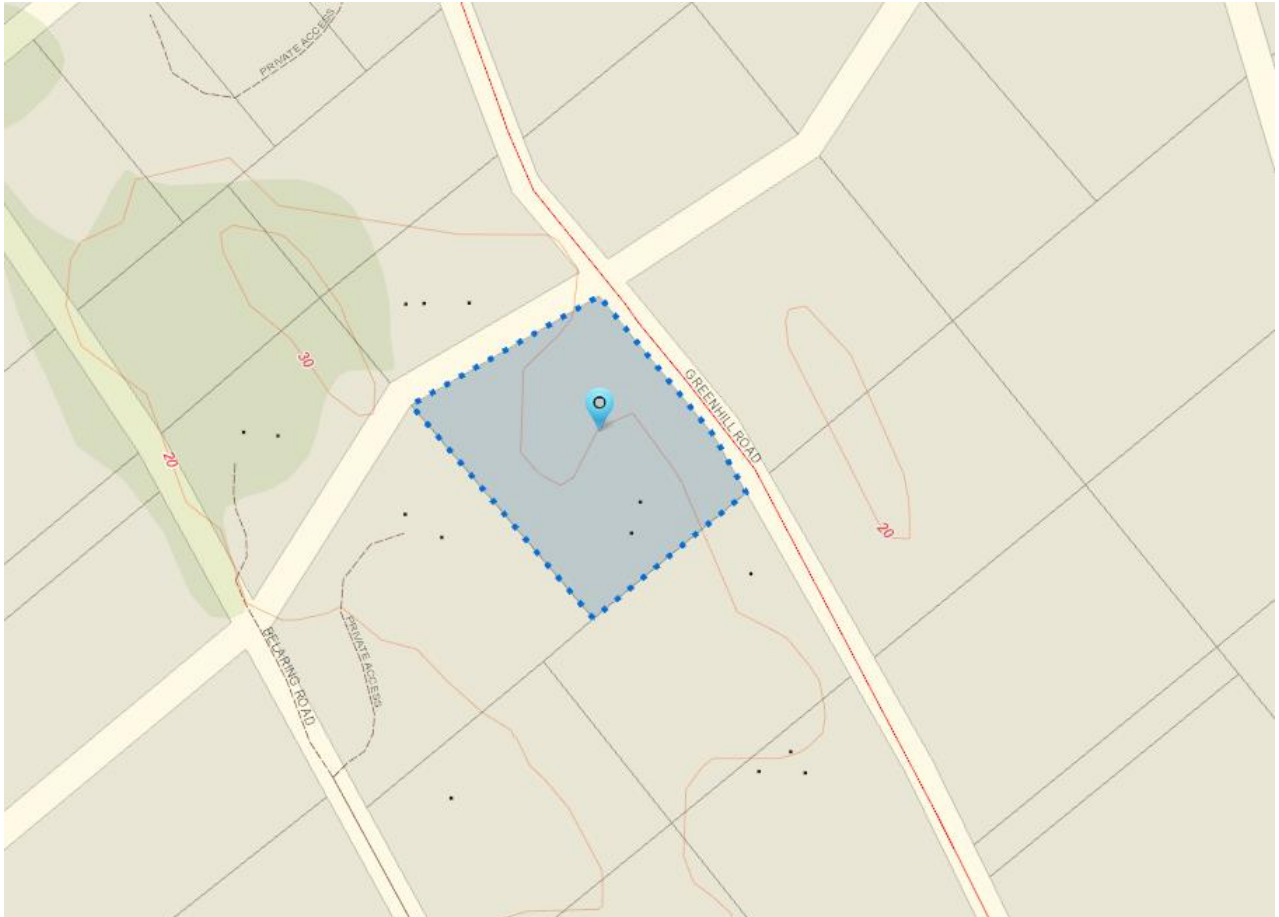


Figure 3: Subject land highlighted in blue showing contour fall of land west to east

CONSENT TYPE REQUIRED:

Planning and Land Division Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Land Division: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code; Land division is not identified as an accepted or impact assessed development within the Rural Living Zone. Therefore, the proposed development is a code assessed development pursuant to section 105 of the Act.

There are two types of code assessed development: deemed-to-satisfy and performance assessed. The land division is not deemed-to-satisfy and therefore, is performance assessed pursuant to section 107 of the Act.

PUBLIC NOTIFICATION

Table 5 of the Rural Living Zone excludes classes of performance assessed development from public notification. Land division is identified as a class of development which is excluded from public notification (item 3(b) of Table 5).

AGENCY REFERRALS

Referrals were undertaken to the State Planning Commission (SPC) and SA Water pursuant to regulation 76 of the *Planning Development and Infrastructure (General) Regulations 2017*.

No objections were raised by either authority. The SPC provided standard conditions to be attached (should consent be granted) and SA Water advises that there is no infrastructure available to connect.

INTERNAL REFERRALS

Nil

PLANNING & DESIGN CODE POLICIES

In assessing the merits of the proposal, Council have reviewed the Zone, Overlays, and General Development Policies as contained within the P&D Code (in effect) Version 2024.7 (dated 18 April 2024).

Planning Assessment

Zoning

The following policies within the Rural Living Zone are applicable to the assessment of a land division:

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO 1.1	DTS/DPF 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.	Development comprises one or more of the following: <ul style="list-style-type: none"> (a) Agricultural Buildings (b) Animal Keeping (c) Carport (d) Consulting room (e) Detached dwelling (f) Dwelling addition (g) Farming (h) Horse keeping (i) Kennel (j) Light industry (k) Office (l) Outbuilding (m) Shelter/Stable (n) Shop (o) Verandah

Site Dimensions and Land Division	
PO 3.1	DTS/DPF 3.1

<p>Allotments/sites created for semi-rural residential purposes are consistent with the density expressed in any relevant <i>Minimum Site Area Technical and Numeric Variation</i> or are of suitable size and dimension to contribute to the existing semi-rural pattern of development consistent to the locality and suitable for their intended use.</p>	<p>Development will not result in more than 1 dwelling on an existing allotment</p> <p>or</p> <p>Allotments/sites have:</p> <ul style="list-style-type: none"> (a) an area not less than: (b) a frontage to a public road not less than 50m or, in the case of a battle-axe allotment, a frontage to a public road not less than 6m and a maximum driveway 'handle' length of no more than 40m. <p>In relation to DTS/DPF 3.1, in instances where:</p> <ul style="list-style-type: none"> (c) more than one value is returned in the same field, refer to the <i>Minimum Site Area Technical and Numeric Variation</i> layer in the SA planning database to determine the applicable value relevant to the site of the proposed development (d) no value is returned for DTS/DPF 3.1(a) (i.e. there is a blank field), then none are applicable and the relevant development cannot be classified as deemed-to-satisfy.
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Concept Plans

<p>PO 4.1</p> <p>Development is compatible with the outcomes sought by any relevant Concept Plan contained within Part 12 - Concept Plans of the Planning and Design Code to support the orderly development of land through staging of development and provision of infrastructure.</p>	<p>DTS/DPF 4.1</p> <p>The site of the development is wholly located outside any relevant Concept Plan boundary. The following Concept Plans are relevant:</p> <p>In relation to DTS/DPF 4.1, in instances where:</p> <ul style="list-style-type: none"> (a) one or more Concept Plan is returned, refer to Part 12 - Concept Plans in the Planning and Design Code to determine if a Concept Plan is relevant to the site of the proposed development. Note: multiple concept plans may be relevant. (b) in instances where 'no value' is returned, there is no relevant concept plan and DTS/DPF 4.1 is met.
--	---

The proposed land division proposes allotments which are compatible with a secluded semi-rural residential character satisfying PO 1.1, due to their size.

In relation to PO 3.1, it is important to note that:

- There is no Minimum Site Area Technical and Numeric Variation (TNV) applicable to the land.
- Minimum Site Area TNVs generally do not apply to land in the Limited Land Division Overlay given the Overlay specifically seeks to limit land division.
- PO 3.1 is not relevant to the assessment of this application due to the inconsistencies between the Zone and the Overlay. This is discussed in greater detail in relation to the assessment against the Limited Land Division Overlay.

Therefore, no further assessment has occurred against Zone PO 3.1.

There is no Concept Plan applicable to the land and therefore, PO 4.1 is satisfied.

Limited Land Division Overlay

Table 3 of the Rural Living Zone prescribes which policies within the Limited Land Division Overlay are applicable to a land division. These policies are:

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
General	
PO 1.1 Land division does not result in the creation of an additional allotment.	DTS/DPF 1.1 No additional allotments are created.
PO 1.2 Land division involving boundary realignments occurs only where the number of resulting allotments with a site area less than that specified in the relevant Zone is not greater than the number that existed prior to the realignment.	DTS/DPF 1.2 None are applicable.

There is a clear inconsistency between the policies that are applicable to this application, insofar as the Rural Living Zone has a policy which anticipates land division (Zone PO 3.1) and the Limited Land Division Overlay specifically seeks to prevent the creation of new allotments (Overlay PO 1.1).

The Planning and Design Code¹ provides clear guidance where such inconsistencies arise, and states:

'If there is an inconsistency between provisions in the relevant policies for a particular development... the following rules will apply to the extent of any inconsistency between policies:

- a) the provisions of an overlay will prevail over all other policies applying in the particular case;...*

This hierarchy is represented by the following diagram.'



Figure 4: Policy Hierarchy

With the above in mind, the policies within the Overlay prevail over any policies within the Rural Living Zone that relate to land division (i.e., to the extent of any inconsistency). As a result, Overlay PO 1.1 prevails over Zone PO 3.1 such that Zone PO 3.1 is not relevant to the assessment of this application.

In relation to an assessment of the proposed development against the Overlay, it is evident that:

- The development does not comply with Overlay PO 1.1 as the development results in the creation of an additional allotment; and
- The nature of development does not involve a boundary realignment and therefore, PO 1.2 is not relevant to the assessment of this application.

¹ See Part 1 – Rules of Interpretation, Hierarchy of Policies/Modification of Provisions

It is important to acknowledge that the Applicant's representative has formed the view that the Limited Land Division Overlay 'doesn't apply' and they have based this view on the Desired Outcome of the Overlay (and its reference to primary production).

The Applicant's views have been considered in detail and the relevant authority sought legal advice in this regard before completing the assessment. It was concluded that the Desired Outcome (DO) does not influence the assessment of the proposed development for the following reasons:

- The Planning and Design Code² clearly states that:
 - *'Desired outcome[s] are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module. 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.'*
- There is no uncertainty about whether or how Overlay PO 1.1 applies to the development as it very clearly states, no additional allotments should be created.
- If the authors of the Code intended for the Limited Land Division Overlay to only apply to sites where primary production occurs, the Overlay would not have been applied to land within the Rural Living Zone and only would apply to Zones where primary production is the primary intent.
- The Honourable Justice Blue of the Supreme Court provided guidance regarding POs and DOs in their decision for *Geber Super Pty Ltd v The Barossa Assessment Panel* [2023] SASC 154³, including:
 - *'The applicable performance outcomes are policies against which a proposed development must be assessed pursuant to sections 102 and 107 of the Act.'* [at 86]
 - *'The desired outcomes assist in the interpretation of the performance outcomes. They are not policies in their own right.'* [at 87]

The Applicant was advised of the above via email in March 2024. Notwithstanding, the Applicant has not provided any legal advice to the contrary regarding the interpretation of DOs, despite the very clear guidance within the Code and by the Supreme Court. Consequently, the Applicant's argument that the Overlay is not applicable due to the DO is not sufficient to justify disregarding Overlay PO 1.1, which is a policy that the development must be assessed against pursuant to sections 102 and 107 of the *Planning Development and Infrastructure Act 2016*.

Native Vegetation Overlay

The Applicant has provided a declaration confirming that no native vegetation will be cleared as a result of the land division, satisfying the relevant POs within this Overlay.

Hazards (Bushfire – General) Overlay

The proposed allotments will each have access to an all-weather road and will not require the construction of a new road for the purposes of emergency vehicle access. The allotments are sufficient in size to allow for a future asset protection zone to be established around a future dwelling on the new allotment. The proposed development reasonably satisfies the relevant policies within this Overlay.

² See Part 1 – Rules of Interpretation, Policies - Desired Outcomes and Performance Outcomes

³ Available here: https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/sa/SASC/2023/154.html?context=1;query=Geber%20Super%20Pty%20Ltd%20;mask_path=

Other Overlays

The land is also situated within the following Overlays:

- Hazards (Flooding – Evidence Required)
- Limited Land Division
- Prescribed Wells Area
- Water Protection Area

Notwithstanding, Table 3 of the Rural Living Zone does not identify any policies within the above Overlays as being applicable to land division. Accordingly, no further assessment has been undertaken against these Overlays.

Land Division – General Development Policies

The proposed development generally satisfies the following General Development Policies relating to land division:

- The allotments are each of a size suitable for a rural residential purpose (PO 1.1);
- The allotments reasonably consider physical and environmental characteristics of the land (PO 1.2, 2.4 and 2.8);
- The land division will not result in excessive earthworks (PO 2.1); and
- Each allotment has a frontage to an all-weather public road (PO 2.3 and 3.1).

It is noted that details of the existing wastewater system have not been provided to confirm if the existing waste water system is contained within the boundaries of allotment 2. Notwithstanding, there is sufficient room on each allotment to accommodate an onsite waste water system to satisfy POs 4.2 and 4.3.

Site Contamination – General Development Policies

The allotment is currently used for residential purposes and the land is not known to have been used for any other purpose, such that the proposed land division is not considered to be a change of use to a more sensitive use (noting clause 6 of Practice Direction 14 – Site Contamination Assessment). Therefore, the proposed development satisfies PO 1.1.

Application for Review

Frank Brennan Consulting Services is acting on behalf of Darren and Noeleen Sneath, c/- Cameron Lock Surveying

CONCLUSION

The assessment of this application is heavily focused on the Limited Land Division Overlay as the Planning and Design Code identifies that policies within the Overlay prevail above all other policies to the extent of any inconsistency. It is clear that the land is situated with an area/Overlay where the Code specifically seeks to limit land division by preventing the creation of new allotments. This Overlay applies to the whole of the Rural Living Zone at Hatherleigh.

The question of whether the land should be within this Overlay is not a matter for this assessment, and the Applicant may wish to advocate for changes to the Code in this regard (i.e., the removal of the Limited Land Division Overlay).

The purpose of this assessment (and review) is to determine whether the relevant provisions of the Planning and Design Code are reasonably satisfied. In this instance, a key policy relevant to the assessment of this application is not satisfied (Limited Land Division Overlay PO 1.1) such that decision to issue a Refusal for Planning Consent should be affirmed.

Invites

The Applicant - Frank Brennan on behalf of Darren and Noeleen Sneath, c/- Cameron Lock Surveying

ATTACHMENTS

1. Attachment 1 - Application for review [6.4.1 - 5 pages]
2. Attachment 2 - Application Documents [6.4.2 - 10 pages]
3. Attachment 3 - Code Policies [6.4.3 - 112 pages]
4. Attachment 4 - Assessment Report [6.4.4 - 7 pages]
5. Attachment 5 - Email to Applicant [6.4.5 - 7 pages]

6.5 DA 24008749 - 764 CAFPIRCO ROAD, COMPTON - EXPANSION OF EXISTING TIMBER PROCESSING FACILITY

Author: Ben Victory, Planning Consultant (District Council of Grant)

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24008749 - 764 Cafpirco Road, Compton - Expansion of Existing Timber Processing Facility' as presented on Thursday 19 September 2024 be noted.

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

The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

3. Development Application Number 24008749, by Frank Brennan Consulting Services is granted Planning Consent subject to the following reserved matters, conditions and advisory notes:

RESERVED MATTERS

Pursuant to section 102(3) of the Planning, Development and Infrastructure Act 2016, the following matters are reserved for further assessment to the satisfaction of the Assessment Manager, prior to the granting of Development Approval:

1. A Traffic Management Plan shall be provided that identifies suitable engineering controls/ solutions to address potential conflict between vehicles that will operate between the eastern and western sites on either side of Marte Siding Road, and other road users, including consideration of:

- adequate sight lines
- speed limits
- warning signs
- traffic lights
- stop signs/ lines
- give way signs/ lines
- suitable surface treatments or engineering solutions to prevent wear and tear on the surface of the road occurring as a result of vehicle movement (including heavy vehicles) traversing the public road between the two portions of the operation. This may include sealing a portion of the road reserve and/or realigning the road, with any costs to be borne by the applicant.

The Traffic Management Plan should be provided by a suitably qualified and experienced traffic engineer, in consultation with the Council's Director of Works and Infrastructure.

2. Updated plans shall be provided to confirm the site levels, excavation and batters, particularly in relation to any native trees that may be affected by the proposed development. This may require advice from a suitably qualified arborist and/or accredited native vegetation consultant, to avoid, minimise or confirm any impacts on native vegetation, and potentially require a clearance application to the Native Vegetation

Council. The final siteworks plan shall also include details of landscaping to be established over any batters and/or where practicable at the edges of the new eastern site.

Note - Further conditions may be imposed on the Planning Consent in respect of the above matters.

CONDITIONS

Condition 1

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

Condition 2

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.

Condition 3

The draft Emergency Management Plan by AAM Timber, including procedures for a bushfire emergency response, shall be completed and updated as appropriate in consultation with the Country Fire Service. Updated versions shall be provided to the District Council of Grant.

Condition 4

Any outdoor lighting shall accord with the relevant Australian Standard, currently AS/NZS 4282:2023.

Conditions imposed by Environment Protection Authority under Section 122 of the Act

Condition 5

The stormwater management for the site (including vegetated swales and detention basins) should be established and maintained in the manner proposed in the Stormwater Management Plan by Tonkin, dated 15 March 2024 and be sized to capture and retain a 1% AEP rain event.

ADVISORY NOTES

Planning Consent

Advisory Note 1

The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

Advisory Note 2

An environmental authorisation (licence) is required for this development. Before acting on this approval, the applicant/operator should contact the Environment Protection Authority on (08) 8204 2058 or email EPALicensing@sa.gov.au for information about the licensing application process and requirements. It is noted the land at 764 Cafpirco Road, Compton should be added to the existing EPA licence.

Advisory Note 3

More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au

Advisory Note 4

Other legislation may also apply to the development, including the *Native Vegetation Act 1991*, *Landscape South Australia Act 2019*, *Local Nuisance and Litter Control Act 2016*, *Environment Protection Act 1993*, *Local Government Act 1999*, *Road Traffic Act 1961*, and the *Roads (Opening & Closing) Act 1991*.

Advisory Note 5

Section 233 of the *Local Government Act 1999* makes provision for council to recover any damages to a road and/or associated structures belonging to council.

Advisory Note 6

Activities associated with the operations of the site must not encroach on the road reserve.

Advisory Note 7

No heavy vehicles should be parked on the road reserve without express permission from Council, in accordance with Council By-Laws and relevant provisions of the *Local Government Act 1999*.

Advisory Note 8

It is recommended to set the land use operations back from the property boundary to create a clear delineation between the site operations and the roadway, and assist to reduce the potential for the site operations to encroach into the road reserve over time.

DEVELOPMENT NO.:	24008749
APPLICANT:	Frank Brennan Consulting Services
ADDRESS:	764 Cafpirco Road, Compton
NATURE OF DEVELOPMENT:	Expansion of existing timber processing facility at 75 Marte Siding Road for the storage and dispatch of timber product
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Rural <p>Overlays:</p> <ul style="list-style-type: none"> • Dwelling Excision • Hazards (Bushfire - High Risk) • Hazards (Flooding - Evidence Required) • Limited Land Division • Native Vegetation • Prescribed Wells Area • State Significant Native Vegetation • Water Protection Area <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Finished Ground and Floor Levels (Minimum finished ground level is 1.85m AHD; Minimum finished floor level is 2.1m AHD) • Minimum Dwelling Allotment Size (Minimum dwelling allotment size is 20 ha)
LODGEMENT DATE:	16 April 2024
RELEVANT AUTHORITY:	Limestone Coast Southern Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.6 04/04/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Ben Victory Planning Consultant
REFERRALS STATUTORY:	Environment Protection Authority
REFERRALS NON-STATUTORY:	Director of Works and Infrastructure

DETAILED DESCRIPTION OF PROPOSAL:

The proposal has been described as 'expansion of existing timber processing facility at 75 Marte Siding Road for the storage and dispatch of timber product'. The application documents are provided in Attachment 1 and include the following details:

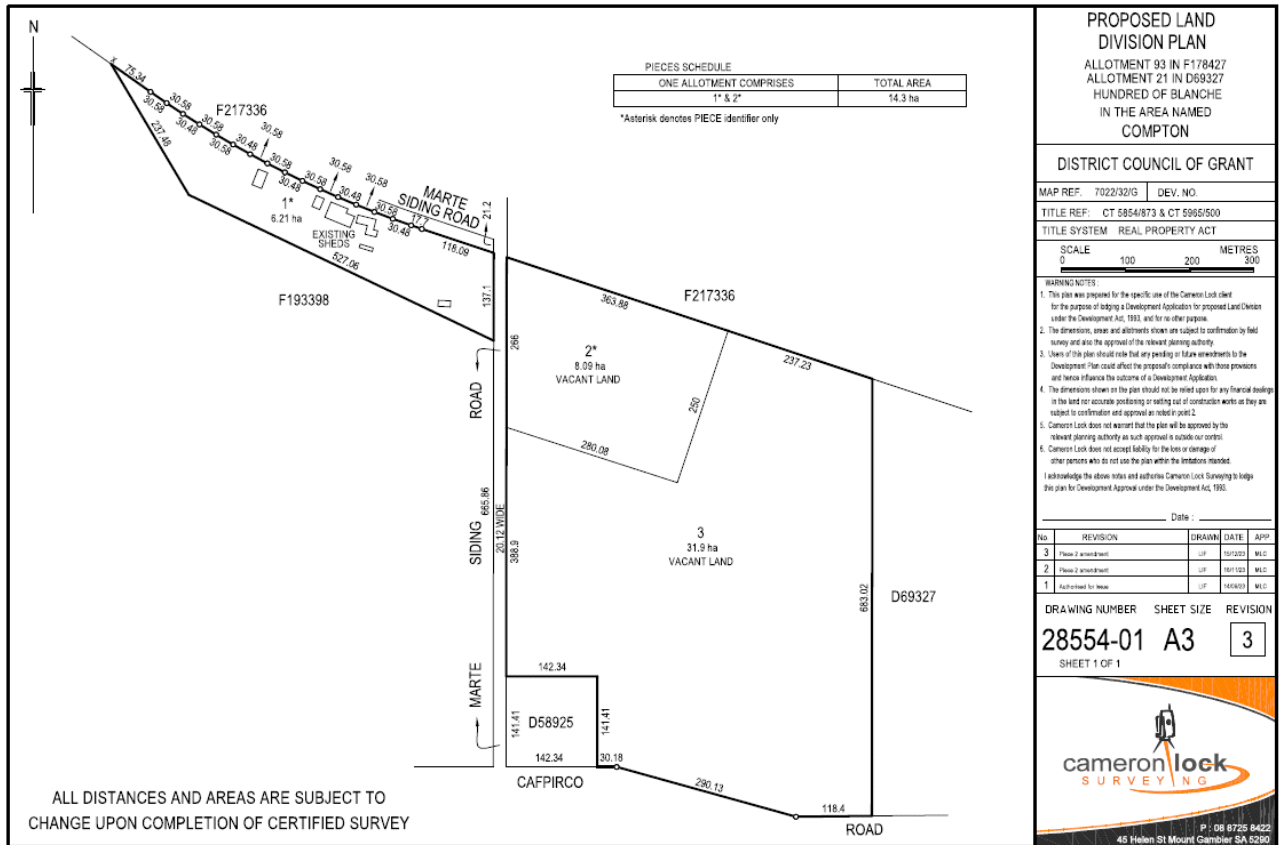
- An expansion of the sawmill at 75 Marte Siding Road to a portion of land on the opposite (eastern) side of Marte Siding Road, known as 764 Capirco Road, Compton. This current sawmill is operated by AAM Timber (the applicant).
- The sawmill will continue to operate in accordance with its existing use rights, development approvals and a licence to the Environment Protection Authority (EPA) as a timber processing facility. The new expanded area on the eastern side of the road will be used for storage and dispatch of timber products.
- The applicant's planning consultant Frank Brennan has provided a planning report and associated responses relating to the proposal. It includes the following information to explain the proposal:
 - All amenities and parking for employees engaged on both sites will be provided on the existing (west side) site, where all employees will start & finish their days work.
 - All vehicular traffic will be trucks and plant & equipment undertaking loading & unloading activities, with the trucks leaving the site and the plant & equipment returning to the west side site at the end of the day.
 - Construction of a compacted rubble hardstand for the storage & dispatch area.
 - An additional 14 truck movements (two-way) per day for raw log deliveries, and an additional 7 truck movements (two-way) per day for finished product dispatch.
 - Hours of operation are to mirror those for the existing sawmill, being 6:00am to 5:50pm, Monday to Friday and are a single shift operation. In response to questions from the EPA, an Environmental Noise Assessment report was prepared by Marshall Day Acoustics.
 - A Stormwater Management Plan is provided by Tonkin Consulting.
 - A draft Emergency Management Plan is provided by AAM Timber, including procedures for a bushfire emergency response.
 - The following amended site plan is provided, showing:
 - log storage on the southern side of the new eastern site
 - dispatch area on the northern side
 - retention of native trees
 - two crossing points of Marte Siding Road from the existing facility on the western site, with access on the northern side, a turning loop and egress to the south of the access, either across to the western site or south back down Marte Siding Road:



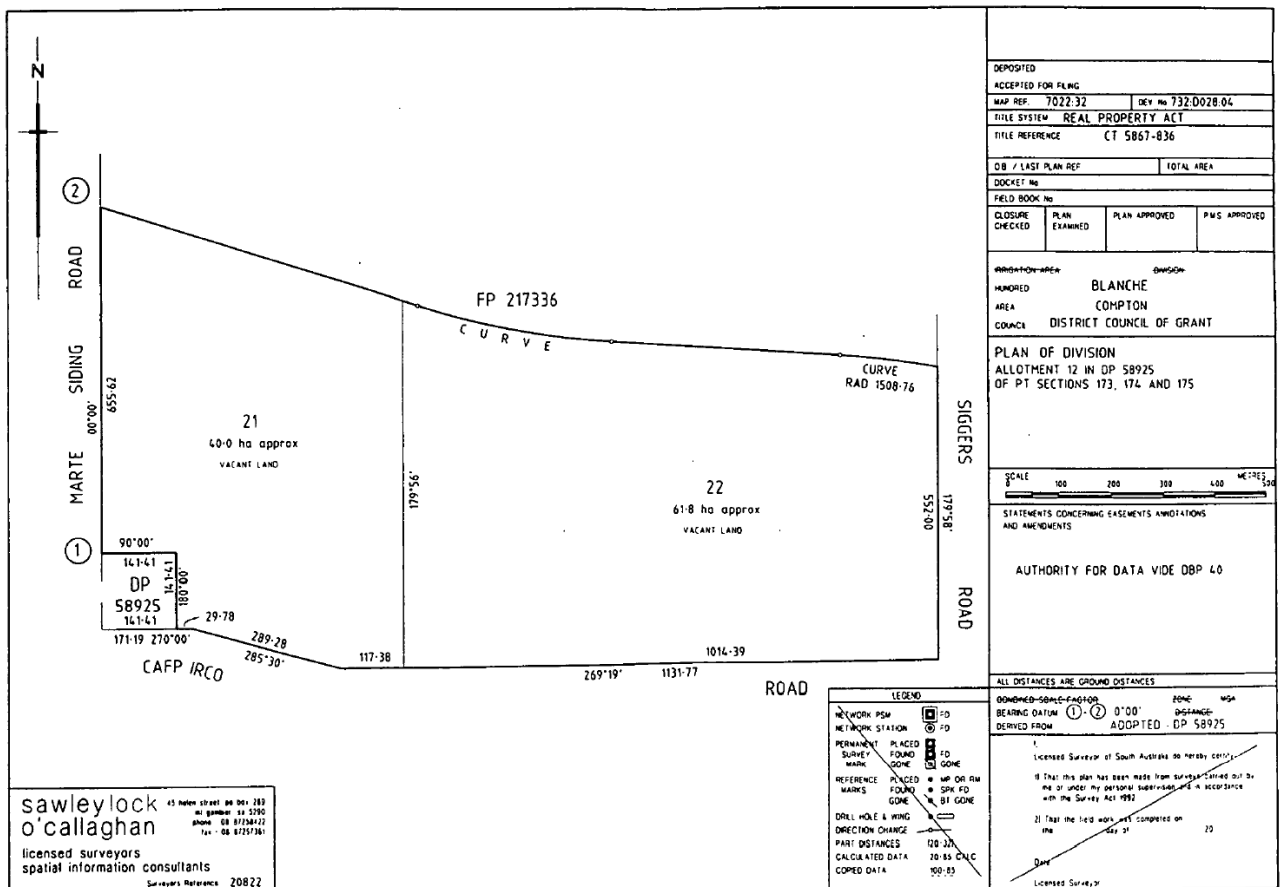
BACKGROUND:

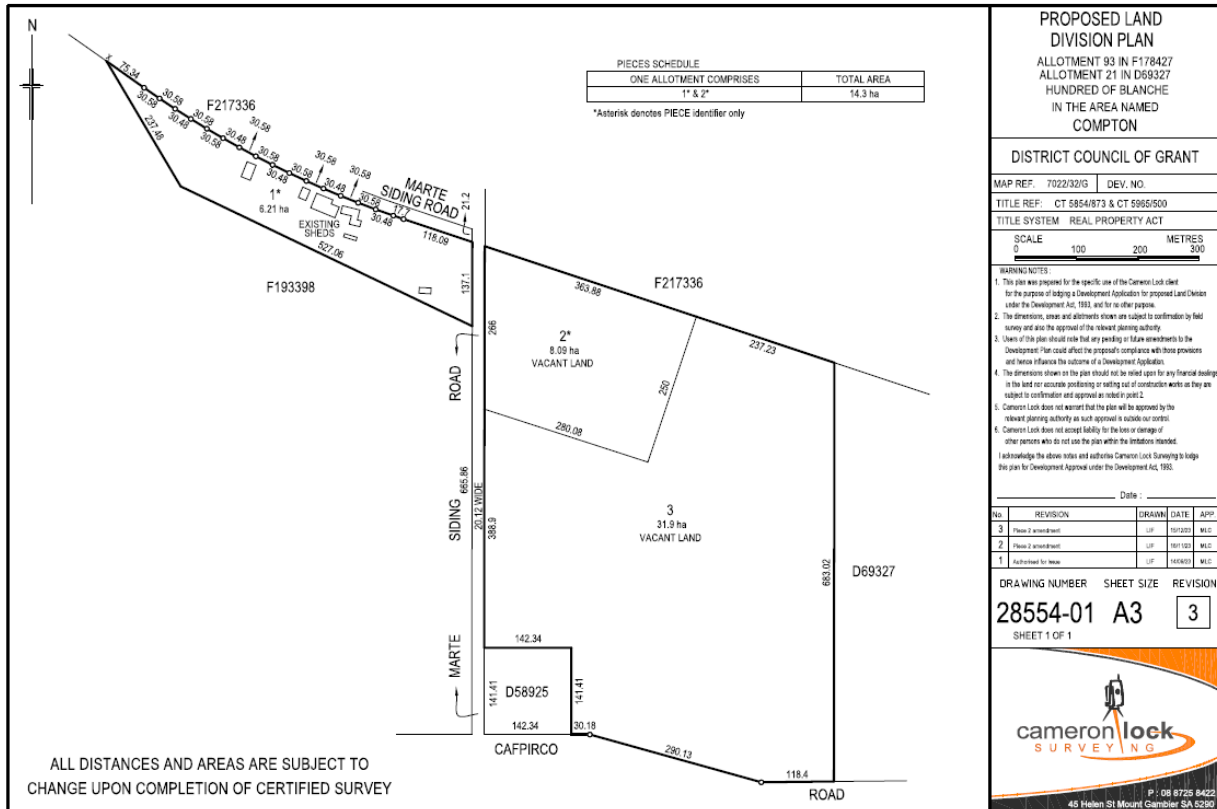
Above, the sawmill at 75 Marte Siding Road has existing use rights, development approvals and a licence to the EPA as a timber processing facility. A recent Planning Consent was granted on 5 June 2024 for Development Application (DA) 24009479, for 'construction of a 168sqm open sided canopy extension to an existing shed and a 540sqm extension to an existing shed for storage purposes'.

Another DA 23034516 was submitted in late 2023 for a land division in the form of a boundary realignment. It takes 8.09ha from the existing lot 21 (currently 40.01ha), to form Piece 2 that will comprise one allotment with the existing sawmill site as Piece 1 (6.21ha). The remaining 31.9ha of the former lot 21 will become lot 3 and continue to be used for farming. The land division plan is provided below:

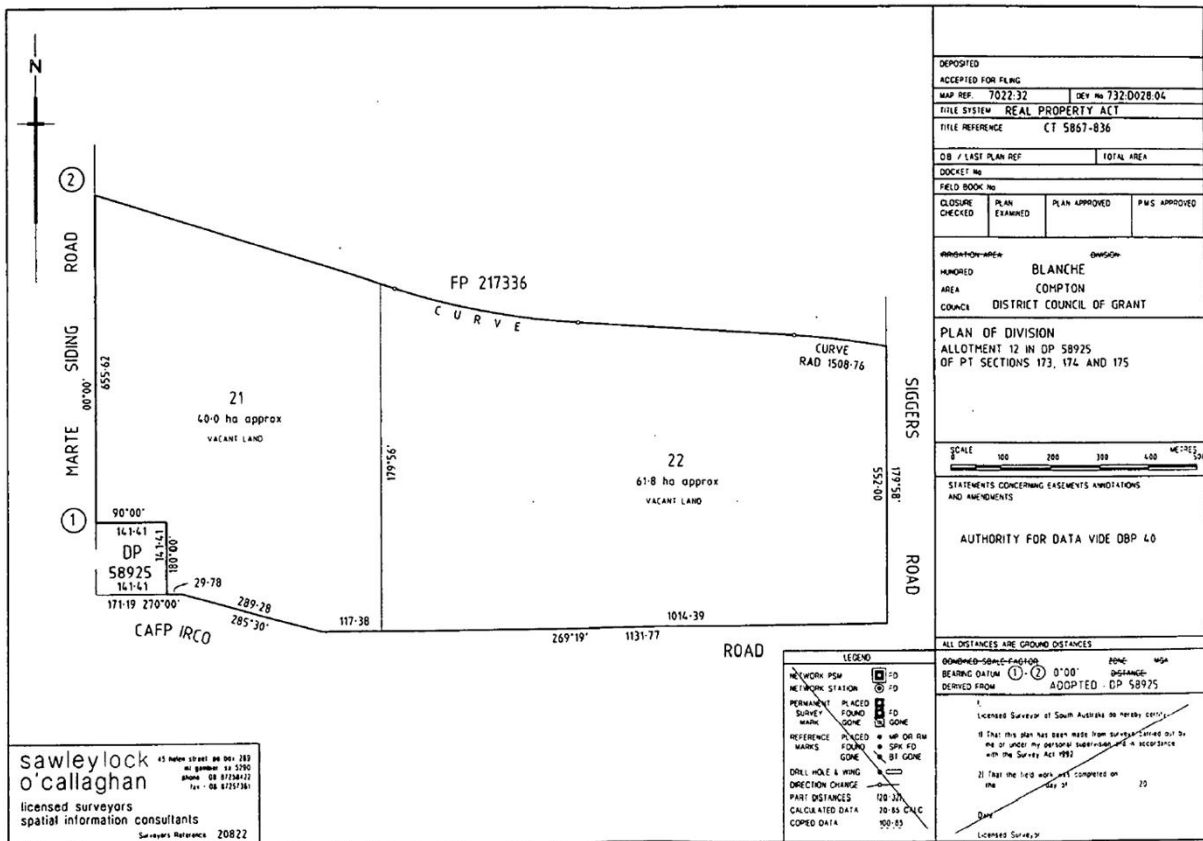


A Land Management Agreement (LMA 10162437) from 2004-2005 applies to the current lot 21, as well as the adjacent lot 22 to the east:





A Land Management Agreement (LMA 10162437) from 2004-2005 applies to the current lot 21, as well as the adjacent lot 22 to the east:



The LMA was agreed to as part of a 2004 land division application and includes the following owner's obligation:

3.1 NO DIVISION OF LAND:

The Owner shall not commence or proceed with or cause, suffer or permit to be commenced or proceeded with any application pursuant to the Act, any Act passed in substitution for the Act, the Real Property Act, 1886, any Act passed in substitution for the said Real Property Act, 1886 or any other relevant Act, to undertake any division of the land as regards Allotments 21 and 22.

Under section 3 of the *Planning, Development and Infrastructure Act 2016*, the definition of the 'division of an allotment' includes:

b) the alteration of the boundaries of an allotment

Accordingly, a further agreement with the District Council of Grant is needed to rescind or amend the LMA, or another appropriate agreement subject to legal advice and Council resolution. The boundary realignment DA is currently on hold pending this advice and a Council resolution, and it is understood this may be considered at the 16 September 2024 Council meeting, just prior to the 19 September panel meeting. A verbal update on this matter can be provided at the panel meeting.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 764 CAFPIRICO RD COMPTON SA 5291

Title ref.: CT 5965/500 Plan Parcel: D69327 AL21 Council: THE DC OF GRANT

As above, the site is the northwestern portion of the existing lot 21 at 764 Cafpirco Road, proposed to become Piece 2 in the land division (boundary realignment) DA 23034516. It will form an extension of the existing timber processing facility on the western side of Marte Siding Road (lot 93 at 75 Marte Siding Road to become Piece 1 in DA 23034516).

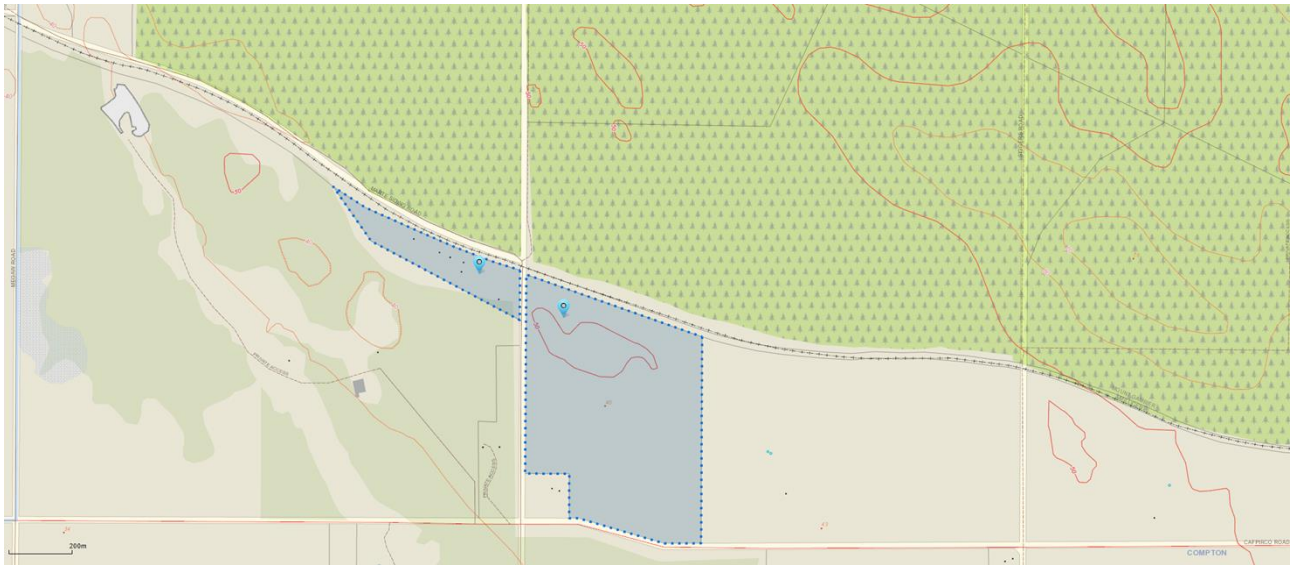
764 Cafpirco Road has historically been used for farming purposes and appears to include a mix of native (gum) and non-native (pine) trees. There is no dwelling on the land. The central part of the development site has a slight rise, falling away in each direction as shown on the SA Property and Planning Atlas (SAPPA) Topographic Map below.

Also below is the SAPPA Hybrid Map, a Google Satellite View and Google Street View images. The Google images showing the site partially cleared, excavated and battered are more recent than the SAPPA images. The applicants advise that the trees already cleared were not native vegetation.

SAPPA Hybrid Map:



SAPPA Topographic Map:



Google Aerial Map:



Google Street View looking north at the northern part of the site



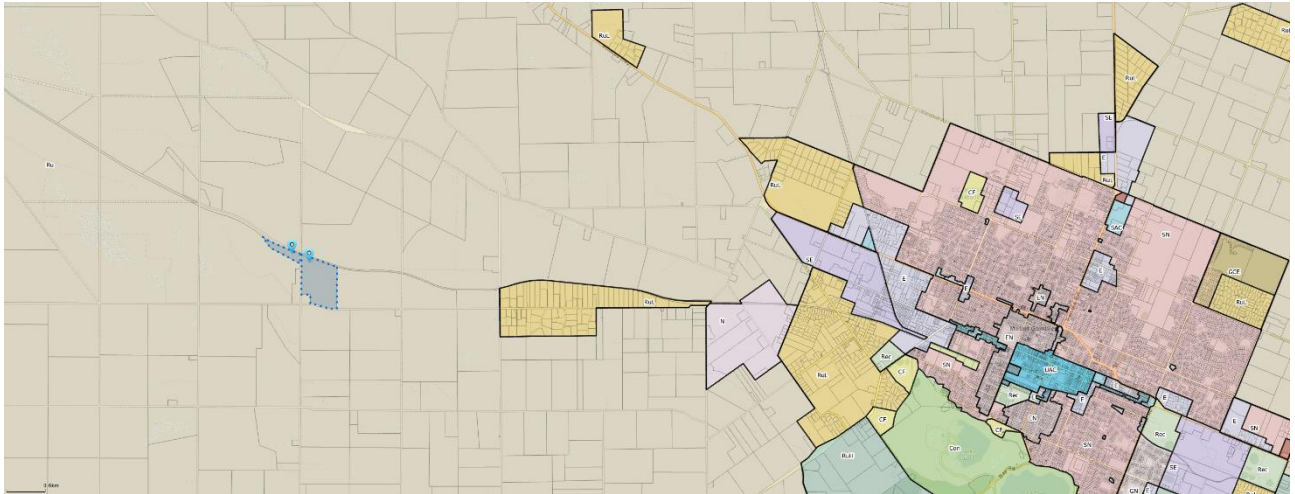
Google Street View looking north at the southern part of the site



Locality

The site is approximately 8km west of the outskirts of Mount Gambier and 3km west of the Compton rural living area. The locality is typical of the rural area near Mount Gambier, comprising commercial forestry, quarrying, farming, native vegetation, rural living and some industries, businesses and facilities including timber product manufacturing, earth moving, motor racing tracks and a shooting range. The former Beachport- Millicent- Mount Gambier railway line runs along the northern boundary.

SAPPA Street Map with Zoning



CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Change of use: Code Assessed - Performance Assessed

Industry

Industry: Code Assessed - Performance Assessed

Other - Commercial/Industrial - Driver’s Amenities Building: Code Assessed - Performance Assessed

Store: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code (not Deemed to Satisfy or Restricted)

PUBLIC NOTIFICATION

- **REASON**

P&D Code – not excluded by Zone Table 5

- **REPRESENTATIONS**

Refer to Attachment 2 for the representations and a map of both plantation locations in relation to the site.

Name	Address	Issues
Mark Wells for Green Triangle Forest Products (GTFP)	8 Monterey Drive, Mount Gambier	<ul style="list-style-type: none"> ● Potential Marte Siding Road impacts affecting access to the pine plantations to the north ● Potential fire hazards
Tammy Auld and for Timberlands Pacific	10 Helen Street, Mount Gambier	<ul style="list-style-type: none"> ● Potential Marte Siding Road impacts affecting access to the pine plantations to the north

Note that Tammy Auld for Timberlands Pacific initially didn't request to be heard. However, after becoming aware of the applicant's response below, she requested to be heard in opposition to the proposal to close the portion of Marte Siding Road under the *Roads (Opening & Closing) Act 1991*.

• **APPLICANT'S RESPONSE TO REPRESENTATIONS**

The applicant's planning consultant provided a response to the representations (Attachment 3), noting:

- Alternate access to the properties to the north of the AAM Compton site is available from the west via Marte Siding Road running off Megaw Road or from the north via Marte Siding Road running off Stafford Road – see roads marked in red on the plan attached.
- AAM is seeking Council's in-principle to close portion of Marte Siding Road running off Cafpirco Road adjacent their Compton site. If this road closure was to eventuate, then AAM would allow third party access (ie: emergency vehicles & northern plantation owners) to the closed road during emergencies events.
- Subject to the road being closed, during times of harvest or other business relevant activities where the alternate roads are not a viable option for the northern plantation owners, AAM would require a request from a third party (ie: plantation owners) and subsequent by AAM for the use of the closed section of Marte Siding Road, following a risk assessment and if approved an amendment to the sites traffic management plan.
- We acknowledge the issues raised in the respective representations, however are of the view the issues raised regarding the potential for the closure of portion of Marte Siding Road from Cafpirco Road is not a consideration for the assessment of this application, as any road closure is subject the provisions of the *Roads (Opening & Closing) Act 1991*, including extensive community and landowner consultation.

• **ASSESSMENT OF REPRESENTATIONS AND RESPONSE**

It is agreed that the potential for closure of a portion of Marte Siding Road is a separate matter for consideration under the *Roads (Opening & Closing) Act 1991*. If the Council agrees to consider it, it will be subject to its own process including community engagement. It is not relevant to the assessment of this development application under the *Planning, Development and Infrastructure Act 2016*, which is to be assessed against the Planning & Design Code on the assumption of Marte Siding Road being a public road.

In this regard, is considered possible for the proposed storage and dispatch area to be on the opposite side of a public road from the existing timber processing facility, subject to consideration of safe and convenient access arrangements between the sites. The internal referral comments below are relevant to that consideration, as well the Code assessment later in this report.

It is also considered possible for the new site to be approved and operate with or without the boundary realignment and LMA changes being approved. It will be up to the current landowner to agree on terms for the northwestern part of the current lot 21 to be used, either by land sale with or without the realignment, or another form of agreement such as leasing the land.

While it is helpful for the panel to understand the background, context and status of associated applications and property matters, this development application can be assessed and determined on the basis of the current land tenure arrangements, and can potentially proceed with or without the boundary realignment, LMA changes and potential road closure being approved.

AGENCY REFERRALS

Environment Protection Authority

The application was referred to the EPA as required by Part 9.1 of the Code for timber processing works. The existing timber processing facility is already licensed to the EPA, so this expansion for the associated storage and dispatch site opposite Marte Siding Road was referred for EPA direction. Their advice and directions are summarised as follows:

- Raw *Pinus radiata* logs and processed non-structural, untreated, air-dried timber products are proposed to be stored in the new area. No timber processing is expected to be undertaken on the site and no timber processing equipment will be placed in the new storage and dispatch area. A front-end loader will transport the raw logs from the storage and dispatch area to the sawmill on an 'in-time' basis.
- The proposal does not involve storage of timber residues or other wastes and no chemicals or fuel are expected to be stored in the new proposed storage and dispatch area.
- The EPA publication *Evaluation distances for effective air quality and noise management* (2023) recommends an evaluation distance of 200 metres (for noise and air quality impacts) between activities involving the manufacture and storage of logs using non-creosote preservative and sensitive receivers. It is noted the nearest sensitive receiver is located approximately 370 metres from the subject site.
- Given that the new proposed storage and dispatch area is not proposed to store any timber residues, other waste or chemicals or fuel, and there is no timber processing occurring on the site, there will be no additional air quality impacts due to timber processing. The most significant air quality risk is related to dust emissions generated by vehicle movements (including forklifts, trucks and log grabs) and local weather conditions. Although the potential methods of minimising any dust impacts are not included in the information provided as part of the development application, these operational aspects can be managed and monitored through the existing EPA licence. This is acceptable to the EPA.
- Noise sources will mainly include truck movements and the loading/unloading of timber products by forklift. The EPA requested further information, in the form of an acoustic report, as the proposed operating hours are from 6:00am to 5:30pm, covering some of the night period as defined in the Environment Protection (Commercial and Industrial) Noise Policy 2023 ('Noise Policy'). Overall, the acoustic report demonstrates that the proposed timber processing works activity poses minimal risk of non-compliance with the required criteria under the Noise Policy. Therefore, the proposal is considered acceptable without the need for noise control conditions.
- The EPA reviewed the Stormwater Management Plan prepared by Tonkin. It is understood that stormwater generated in the proposed storage and dispatch area (catchments 4 and 5) will be directed to vegetated swales and detention basins (to be constructed). These will be sized to capture and retain a 1% AEP event. It is understood that no runoff from external areas will enter the site.
- The site has been assumed to be 100% impervious but relies on infiltration of stormwater in the swales and basins. The soil is predominantly sandy, and groundwater is approximately 11 to 16 metres below ground level. The new storage and dispatch area is also proposed to be constructed using compacted limestone rubble. While some earthworks will be required, the terrain at the site is relatively flat.
- The stormwater runoff from the site should be relatively clean, as no timber wastes, residues, chemicals or fuel are proposed to be stored in the proposed storage and dispatch area. It is also noted that only untreated timber, raw logs, processed non-structural and air-dried timber product would be stored, with no treated timber present. Although tannins (i.e. weakly acidic organic chemicals) can leach out of timber and into stormwater, any sediments and tannins in stormwater runoff will be treated via infiltration through vegetated swales and underlying soils.
- Provided that the development is undertaken in accordance with the submitted documentation, with the conditions and notes directed in the recommendation below, combined with the conditions of the on-going EPA licence, the risk of adverse environmental impacts occurring from the development is low.

INTERNAL REFERRALS

Director of Works and Infrastructure

Council's Director of Works and Infrastructure, Adrian Schutz, provided the following written advice in response to the internal referral:

1. Provide a Traffic Management Plan which identifies suitable engineering controls/ solution to address potential conflict between vehicles that will operate between the sites (across the public road reserve) and other road users - including consideration of adequate sight lines, and any required speed limits, warning signs, traffic lights or stop sign, stop line, give way sign or give way line or other treatments - to be determined by a suitably qualified and experienced traffic engineer - to council's satisfaction.
2. To reduce the potential for traffic conflict points- where possible, the land use design should endeavour to reduce access points that allow ingress and egress from, and to, the public road.
3. Identify suitable surface treatment or engineering solution to prevent wear and tear on the surface of the road occurring as a result of vehicle movement (including heavy vehicles) traversing the public road between the two portions of the operation - to prevent/maintain damage to council's satisfaction. This may include sealing a portion of the road reserve and/or realigning the road - with any costs to be borne by the applicant. Note: Section 233 of the Local Government Act makes provision for council to recover any damages to a road and/or associated structures belonging to council.
4. Activities associated with the operations of the site must not encroach on the road reserve.
5. No heavy vehicles should be parked on the road reserve without express permission and permit from Council, in accordance with Council By-Laws and relevant provisions of the *Local Government Act 1999*.
6. It is recommended to setback the land use operations from the property boundary to create a clear delineation between the site operations and the roadway, and assist to reduce the potential for the site operations to encroach into the road reserve over time.

These recommendations are captured in the recommendation at the end of this report, including a reserved matter for a Traffic Management Plan and advisory notes.

Manager Strategy and Growth

Council's Manager Strategy and Growth, Rebecca Perkin, is handling the requests from the applicants regarding the LMA and potential road closure, in consultation with other Council staff including the Director of Works and Infrastructure. The status of the LMA consideration is discussed above in the Background section of this report. Any consideration of the partial road closure will be subject to the procedures under the *Roads (Opening & Closing) Act 1991*.

PLANNING ASSESSMENT

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

Approach to Planning Assessment

Part 1 of the Code is entitled 'Rules of Interpretation'. It includes the following information on the role of Designated Performance Features:

Policies - Desired Outcomes and Performance Outcomes

Zone, subzone, overlay and general development policies are comprised of desired outcomes (DOs) and performance outcomes (POs). These are applicable to performance assessed development and to restricted development.

Desired outcomes

Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module. 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 outcomes

Performance outcomes are policies designed 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

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 in another way, or from the need to assess development on its merits against all relevant policies. (underlining added)

DPFs are provided for general guidance. They are not mandatory. What matters most is the satisfaction of Performance Outcomes.

Land Use

The proposed land use is an expansion of an existing 'industry' and also has an element of being a 'store'. These are defined in Part 7 of the Code as:

Industry - means the carrying on, in the course of a trade or business, of any process (other than the generation of electricity using a renewable energy source or a process in the course of farming or mining) for, or incidental to:

- a) *the making of any article, ship or vessel, or of part of any article, ship or vessel; or*
- b) *the altering, repairing, ornamenting, finishing, assembling, cleaning, washing, packing, bottling, canning or adapting for sale, or the breaking up or demolition, of any article, ship or vessel; or*
- c) *the getting, dressing or treating of materials.*

The use may include:

- d) *selling by wholesale of goods manufactured on site*
- e) *selling by retail of goods manufactured on site, provided the total floor area occupied for such sale does not exceed 250m² (and industrial will be construed accordingly).*

Store - 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.

The following provisions of the Rural Zone are most relevant to the land use assessment:

Desired Outcomes

DO 1 - A zone supporting the economic prosperity of South Australia primarily through the production, processing, storage and distribution of primary produce, forestry and the generation of energy from renewable sources.

DO 2 - A zone supporting diversification of existing businesses that promote value-adding such as industry, storage and warehousing activities, the sale and consumption of primary produce, tourist development and accommodation.

Performance Outcomes

Land Use and Intensity

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

'Industry' is listed in DPF 1.1 as a generally suitable land use to satisfy PO 1.1, subject to assessment including the Rural Industry provisions further below.

Although a 'store' is not specifically listed as a land use in DPF 1.1, the storage and distribution of primary produce is clearly contemplated in the Rural Zone to support the economic prosperity of South Australia. It is generally considered to support diversification of existing businesses as a form of value-adding. In this regard, the timber being stored and dispatched is a form of primary produce from the local commercial forests, so is value adding to the local land uses and is a reasonable expansion of the existing timber processing facility.

'Commercial forestry' is defined in the Code as 'the practice of planting and managing plantation forests that are to be harvested for wood products or other commercial purposes, including through the commercial exploitation of the carbon absorption capacity of the forest.'

Rural Industry

PO 4.1 - Small-scale industry (including beverage production and washing, processing, bottling and packaging activities), storage, warehousing, produce grading and packing, transport distribution or similar activities provide opportunities for diversification and value adding to locally sourced primary production activities.

DPF 4.1 - Industries, storage, warehousing, produce grading and packing and transport distribution activities and similar activities (or any combination thereof):

- a) are directly related and ancillary to a primary production use on the same or adjoining allotment*
- b) are located on an allotment not less than 20ha in area*
- c) have a total floor area not exceeding 500m².*

The wording of this provision is unclear as to whether it only refers to industry as being small scale, rather than also storage, transport distribution etc. However, for assessment of the DPF:

- the activities are related to commercial forestry on adjoining allotments to the north, although it is arguable whether this is directly related and ancillary
- the existing western site (Piece 1) is 6.209ha and the proposed eastern site (Piece 2) is 8.09ha, to total an allotment of 14.3ha which is less than 20ha in area
- the total floor area of the existing buildings on the western site exceeds 500m², which doesn't satisfy the DPF.

The existing use is not considered to be a small-scale industry given the floor area of buildings, significant outdoor areas and EPA licence. However, POs 4.2 & 4.3 that follow for the Rural Industry provisions are more relevant, and consideration of PO 4.1 and DPF 4.1 assist to establish that this is a form of rural industry for the purpose of these provisions.

PO 4.2 complements PO 4.1, providing guidance for assessing larger scale rural industries:

PO 4.2 - Expansion of established small-scale or new large scale industry (including beverage production and washing, processing, bottling and packaging activities), storage, warehousing, produce grading and packing, transport distribution or similar activities:

- a) are commensurate with the allotment on which it is situated to mitigate adverse impacts on the amenity of land in other ownership and the character of the locality*
- b) realise efficiencies in primary production related storage, sorting, packaging, manufacturing and the like*
- c) primarily involve primary production commodities sourced from the same allotment and /or surrounding rural areas.*

This provision is considered to be particularly important in relation to whether the proposed land use expansion and scale is acceptable. It contemplates expanded and large-scale rural industries,

including storage, produce grading, transport distribution or similar activities, subject to the three criteria that follow:

- Clause (a) is considered to be satisfied, given the somewhat isolated locality away from regular public view and access, the distance and lack of views from dwellings, and the EPA support including the acoustic report and assessment of other impacts.
- Clause (b) is considered to be satisfied, as the intention is for AAM Timber to realise efficiencies for the storage of timber sourced from commercial forests in surrounding rural areas, as part of it being processed and transported elsewhere.
- Clause (c) is considered to be satisfied as the storage and transport distribution primarily involves timber commodities sourced from commercial forestry in the surrounding rural areas.

PO 4.3 - Industry, storage, warehousing, transport distribution or similar activities are sited, designed and of a scale that maintains rural character and function and respects landscape amenity.

DPF 4.3 - Buildings and associated activities:

- a) are set back at least 100m from all road and allotment boundaries*
- b) are not sited within 200m of a sensitive receiver in other ownership*
- c) have a building height not greater than 10m above natural ground level*
- d) incorporate the loading and unloading of vehicles within the confines of the allotment.*

In terms of DPF 4.3, the storage dispatch areas are setback 10m at the closest points to Marte Siding Road, so don't satisfy the 100m setback in (a). The activities are more than 200m from any dwellings and there are no buildings proposed to consider for the 10m height guidance. Loading and unloading of vehicles will be within the confines of the allotment, although Marte Siding Road will be crossed to allow for this.

In assessing PO 4.3, the siting, design and scale is considered to generally maintain rural character and function and respect landscape amenity. As above, the site is isolated from regular public view and access, significantly separated from dwellings and views generally, and has EPA support including for the acoustic report and assessment of other impacts. However, there will be a degree of local amenity impact through excavation and batters to create a flat and compacted site, and some clarity is needed on any impacts to native trees. A reserved matter is recommended to ensure this clarity, deal with any native vegetation impacts and complete the siteworks with appropriate landscaping.

Siting and Design

PO 2.1 - Development is provided with suitable vehicle access.

DPF 2.1 - Development is serviced by an all-weather trafficable public road.

Marte Siding Road and Cafpirco Road are all-weather trafficable public roads suitable to service this development. As above and below, a reserved matter is recommended for a Traffic Management Plan, and advisory notes are also recommended based on the advice of Council's Director of Works and Infrastructure.

Overlays

Hazards (Bushfire - High Risk)

DO 1 - Development, including land division is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks:

- a) potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change*
- b) high levels and exposure to ember attack*

- c) *impact from burning debris*
- d) *radiant heat*
- e) *likelihood and direct exposure to flames from a fire front.*

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

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

Safe and convenient access is available for Country Fire Service vehicles to access the site via Marte Siding Road and Cafpirco Road, with space for access and egress in a forward direction.

A draft Emergency Management Plan is provided by AAM Timber, including procedures for a bushfire emergency response. A condition is recommended for this draft Emergency Management Plan to be completed and updated as appropriate in consultation with the Country Fire Service.

Native Vegetation

DO 1 - Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.

As above, some excavation and batters have already been undertaken and more will likely be needed to create a flat and compacted site. The applicants declared that no native vegetation has or will be affected, however some clarity should be provided to confirm this. A reserved matter is recommended for updated plans to confirm the site levels, excavation and batters, particularly in relation to native trees that may be affected by the proposed development. This may require advice from a suitably qualified arborist and/or accredited native vegetation consultant, to avoid, minimise or confirm any impacts on native vegetation, and potentially require a clearance application to the Native Vegetation Council.

General Development Policies - Transport, Access and Parking

PO 1.1 - Development is integrated with the existing transport system and designed to minimise its potential impact on the functional performance of the transport system.

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

PO 2.1 - Sightlines at intersections, pedestrian and cycle crossings, and crossovers to allotments for motorists, cyclists and pedestrians are maintained or enhanced to ensure safety for all road users and pedestrians.

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

PO 3.3 - Access points are sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use.

PO 3.8 - Driveways, access points, access tracks and parking areas are designed and constructed to allow adequate movement and manoeuvrability having regard to the types of vehicles that are reasonably anticipated.

PO 3.9 - Development is designed to ensure vehicle circulation between activity areas occurs within the site without the need to use public roads.

As above, some concerns about vehicles crossing Marte Siding Road were raised by the representors and considered by the Council's Director of Works and Infrastructure. Assessment of this application is on the basis of Marte Siding Road being a public road, with any consideration of road closure here being subject to a separate process and engagement under the *Roads (Opening & Closing) Act 1991*. Vehicles crossing Marte Siding Road are considered to be

generally acceptable and capable of being safe and convenient, subject to a more detailed expert assessment via a reserved matter for a Traffic Management Plan.

Interface Between Land Uses

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

PO 1.2 - Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.

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

- a) the nature of the development*
- b) measures to mitigate off-site impacts*
- c) the extent to which the development is desired in the zone*
- d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.*

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

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

PO 4.2 - Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including:

- a) locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers*
- b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers*
- c) housing plant and equipment within an enclosed structure or acoustic enclosure*
- d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.*

PO 6.1 - External lighting is positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers (or lawfully approved sensitive receivers).

The provisions above can also be assessed together with Rural Zone PO 4.2(a) further above, about rural industries being 'commensurate with the allotment on which it is situated to mitigate adverse impacts on the amenity of land in other ownership and the character of the locality'.

These interface issues, particularly for noise and stormwater, have been suitably addressed and responded to by the expert reports provided, and the support and on-going licence from the EPA. The recommended reserved matters, conditions and advisory notes will also assist to ensure that all interface issues are appropriately addressed.

Question of Seriously at Variance

The proposed development comprises a reasonable expansion of an existing industry in the form of a timber processing facility, for the storage and dispatch of the timber products. It is located in the Rural Zone of the Planning and Design Code, which supports rural industries such as this,

subject to assessment of the amenity impacts. Development of this nature is appropriate within the site and locality, based on the EPA advice, assessment above and conclusion below.

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*.

CONCLUSION

The proposed development is not seriously at variance with the provisions of the Planning and Design Code. An industry and store are performance assessed in the Rural Zone and while this expansion is relatively large in scale, it is specifically contemplated by Performance Outcome 4.2 for the Zone:

Expansion of established small-scale or new large scale industry (including beverage production and washing, processing, bottling and packaging activities), storage, warehousing, produce grading and packing, transport distribution or similar activities:

- a) *are commensurate with the allotment on which it is situated to mitigate adverse impacts on the amenity of land in other ownership and the character of the locality*
- b) *realise efficiencies in primary production related storage, sorting, packaging, manufacturing and the like*
- c) *primarily involve primary production commodities sourced from the same allotment and /or surrounding rural areas.*

The proposed land use is considered to be commensurate with the site on which it is situated, including the expansion from the existing sawmill on the opposite side of Marte Siding Road, and regardless of whether the land division DA 23034516 and LMA changes are approved, and/or the potential closure of a portion of Marte Siding Road under the *Roads (Opening & Closing) Act 1991*. It value-adds to the existing timber processing facility, and to commercial forestry as a form of primary production in the surrounding rural areas and region.

The impacts have been assessed by the EPA as being acceptable, and an on-going licence will allow the EPA to continue to monitor the site and require any necessary improvements. The EPA have directed the imposition of condition regarding stormwater, as well as standard advisory notes.

Additional Planning Consent conditions, reserved matters and notes are also recommended to cover issues including traffic management, siteworks, native vegetation, landscaping and outdoor lighting standards.

INVITES

The Applicant - Frank Brennan Consulting Services

ATTACHMENTS

1. Attachment 1 Application Documents [6.5.1 - 102 pages]
2. Attachment 2 Representations [6.5.2 - 3 pages]
3. Attachment 3 Response to Representations [6.5.3 - 2 pages]
4. Attachment 4 EPA Response [6.5.4 - 5 pages]
5. Appendix 1 P & D Codes [6.5.5 - 167 pages]

7 URGENT MOTIONS WITHOUT NOTICE

8 MEETING CLOSE