







AGENDA

Limestone Coast Southern Regional Assessment Panel Thursday 20 March 2025





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

Time: 5:00 pm

Date: Thursday 20 March 2025 **Location:** Council Chamber

District Council of Grant

324 Commercial Street West, Mount Gambier

Tracy Tzioutziouklaris
ASSESSMENT MANAGER
13 March 2025

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1 ACKNOWLEDGEMENT OF COUNTRY

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

2 APOLOGIES

Nil

3 CONFIRMATION OF MINUTES

3.1 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Limestone Coast Southern Regional Assessment Panel Meeting held on 20 February 2025 be confirmed as an accurate record of the proceedings of the meeting.

4 QUESTIONS WITHOUT NOTICE

5 INVITEES

Invitees for Item 6.1 - 85 Tarrant Road, Moorak

The Representor - Jodi Widdison

The Representor - Alan & Elizabeth Leibhardt

The Representor - Alan Leibhardt on behalf of Kevin & Trudy Derbyshire

The Applicant - Ryan Durcan

Invitees for Item 6.2 - 6 Gully Court, Mil-Lel

The Representor – Robert McLean

The Representor – Kingsley and Debra Sharam

The Applicant – Frank Brennan Consulting Services on behalf of Blackbird Industries

6 REPORTS

6.1 DA 24038774 - 85 TARRANT ROAD, MOORAK - CHANGE OF USE

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 24038774 - 85 Tarrant Road, Moorak - Change of Use' as presented on Thursday 20 March 2025 be noted.

- 2. It is recommended that the Limestone Coast Southern Regional Assessment Panel resolve that:
 - 1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016* for the following reason:
 - (a) The proposed land use is not prejudicial to the Desired Outcome of the Rural Horticulture Zone.

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

- 2. Development Application Number 24038774, by Ryan Durcan is granted Planning Consent subject to the following conditions:
 - 1. The development must be undertaken in accordance with the plans and associated documentation comprising Development Application 24038774, except where varied by the following conditions.
 - 2. This consent applies only to the parking of 1 x heavy combination rigid truck and trailer as outlined in the application documents.
 - 3. The Applicant shall ensure, as far as practicable, the truck movements do not occur before 7am, or after 9pm on any day.
 - 4. No truck re-fuelling, truck servicing or trailer washdowns are to take place on the subject land.
 - 5. Before the occupation of the land for truck parking the driveway area, manoeuvring area (turning pad) and driveway crossover from the edge of Tarrant Road to the property boundary shall be constructed to the reasonable satisfaction of Council's Director of Works and Infrastructure or their delegate.
 - All of the driveway and yard areas shall be appropriately graded and surfaced at all times to the reasonable satisfaction of Council, so as to ensure maximum dust suppression and to avoid dust and mud being carried out by vehicles onto public roads.

- 7. The driveway crossover from road edge to property boundary must be constructed from 300mm compacted road base with 2x coat seal, to be completed by a capable contractor to the reasonable satisfaction of Council's Director of Works and Infrastructure.
- 8. The truck and trailer herein approved shall enter the site left turn only and exit the site right turn only.
- 9. Any road surface damage caused by the truck & trailer entry/exit to the property must be repaired/maintained by the applicant
- 10. Noise levels are not to exceed those specified by the Environment Protection Authority in the 'Environment Protection (Commercial and Industrial Noise) Policy 2023'.
- 11. Levels of dust and other airborne particulate matter are not to exceed those specified by the Environment Protection Authority.
- 12. Security lights and floodlights associated with the development shall be shielded and/or adjusted, so as not to create nuisance to adjacent owners and occupiers or to road users.
- 13. The subject land and all improvements thereon shall be maintained in a state of good, tidy and attractive repair and condition at all times to the reasonable satisfaction of Council.

ADVISORY NOTES

 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.:	24038774	
APPLICANT:	Ryan Durcan	
ADDRESS:	85 Tarrant Road, Moorak SA 5291	
NATURE OF DEVELOPMENT:	Change of Use - Parking of 1 x Heavy Combination	
	Truck and Trailer (19 metres in length)	
ZONING INFORMATION:		
	Zones:	
	Rural Horticulture	
	Overlays:	
	Dwelling Excision	
	Hazards (Bushfire - General)	
	Hazards (Flooding - Evidence Required)	
	Limited Land Division	
	Native Vegetation	
	Prescribed Wells Area	
	Water Protection Area	
	Technical Numeric Variations (TNVs):	

	 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:	6 December 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 2024.22 - Operational from 5 December 2024 to 18 December 2024	
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed	
NOTIFICATION:	Yes – Nine (9) adjoining landowners notified Four (4) representations received	
RECOMMENDING OFFICER:	Trudy Glynn Planning Officer, District Council of Grant	
REFERRALS STATUTORY:	Nil	
REFERRALS NON-STATUTORY:	Tony Jordan, Director of Works and Infrastructure, District Council of Grant	

DETAILED DESCRIPTION OF PROPOSAL:

A Development Application has been lodged with the relevant authority for a Change of Land Use to park a 19-metre heavy combination truck and trailer on the subject land.

The truck and trailer is proposed to be parked within an existing shed on the northern side of the allotment which is setback approx. 75 metres from Tarrant Road, Moorak, an all-weather sealed, but narrow trafficable road.

Access to the property is from an existing gateway which is to be widened and flared to 12.5 metres for the truck and trailer. A compacted limestone hard surfaced driveway and 50m x 50m turning pad is proposed to provide a suitable turning circle for the truck and trailer to enter and exit the property in a forward direction.





SUBJECT LAND & LOCALITY:

Site Description:

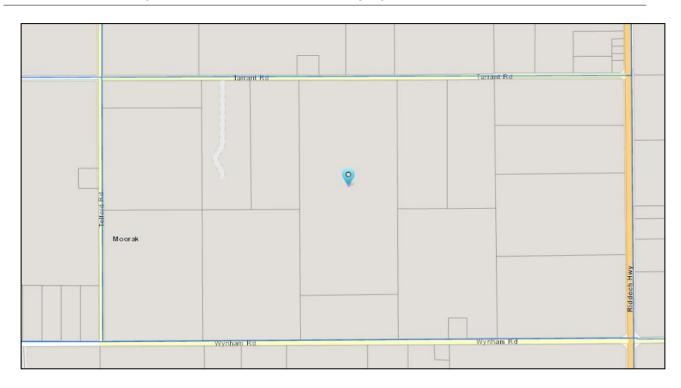
Location reference: 85 TARRANT RD MOORAK SA 5291

Title ref.: CT 5507/220 Plan Parcel: FP209489 AL91 Council: THE DC OF GRANT

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

The rectangular shaped allotment has a road frontage of approx. 300 metres, area of 20.03 ha and is established with existing landscaping, predominantly surrounding the dwelling at the front of the allotment.

The development proposal will utilise the existing shed for parking and approx. 300m2 of the land on the northern side for the driveway and turning pad.



SAPPA Mapping – 7 March 2025



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. 60 metres to the northeast from the driveway access point of the proposed development and approx. 140 metres from the shed where the truck and trailer is proposed to be parked.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

• PER ELEMENT:

Change of use: Code Assessed - Performance Assessed

• OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

REASON

P&D Code; Form of development that is not exempt under Table 5 - Procedural Matters (PM) - Notification

PUBLIC NOTIFICATION

REASON

Table 5 - Procedural Matters (PM) - Notification

Nine (9) adjoining landowners were notified that the development proposal was on public notification from 13 Dec 2024 until 10 Jan 2025.

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

Four (4) 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.	Jodi Widdison 63 Tarrant Road, Moorak	I oppose the development	Yes
2.	Brian Durcan 68 Wynham Road, Moorak	I support the development	No
3.	Alan and Elizabeth Leibhardt 72 Tarrant Road, Moorak	I oppose the development	Yes
4.	Kevin and Trudi Derbyshire 98 Tarrant Road, Moorak	I oppose the development	Yes - Represented by Alan Leibhardt

SUMMARY

In summary the representors have collectively raised the following concerns:

- Traffic impact
- o Road surface deterioration
- o Suitability of the road for heavy vehicle

- Single lane dual carriageway
- Difficulty passing vehicles
- o Heavy Vehicle Restriction established 2011
- Overhanging tree limbs
- o Quality of material used for turning pad
- Risks to health from dust borne particles / dust control
- Environmental impact
- Loss of Rural Horticultural land for turning pad
- Aesthetics of driveway
- Noise from working dogs
- Potential Business Growth
- Classification / Description of the truck and trailer
- o Submission date / lodgement date
- o Truck and Trailer could be parked elsewhere
- Public safety
- Size of turning pad
- Commercial enterprise
- o Biodiversity risk cleaning of truck/light washing
- Contaminants from leaking fluids
- Working dogs barking
- o By-Laws

Refer to Attachment 6 for the combined Summary of Representations

RESPONSE TO REPRESENTATIONS

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

- Zoning The Rural Horticulture Zone is characterised by small primary production properties, some containing dwellings used for rural living purposes. It is noted in the zone the following forms of development are envisaged (not an entire list) - industry, transport distribution, warehouse. Such activities have the potential to generate significant traffic volumes including heavy vehicles.
- Vehicle classification in the documentation submitted by the applicant reference was made to a 'heavy combination ridged (sic) 'rigid' truck and trailer'. The nature of development in the Portal states – 'Change of Use – Parking of 1 x Heavy Combination Truck and Trailer (19 metres in length)'.

Photos of the applicant's *rigid* truck (not articulated) and trailer were submitted with the Development Application and accurately portray the truck described in both descriptions referred to above.

• Use of Tarrant Road for heavy vehicles – the use of Tarrant Rd for the applicant's truck and trailer is subject to a separate application to council for access.

It should be noted Tarrant Road is a road with narrow seal width with wide open verges requiring two- way vehicle traffic to travel off the sealed road surface.

• Aesthetics / Visual Impacts – the location of the truck parking shed is well screened from Tarrant Road and dwellings in the locality. The proposed truck turning pad is located 50 metres from the Tarrant Road boundary and approx. 76 metres from the eastern property boundary.

These setback distances are considered appropriate so as not to cause an aesthetic or visual impact on the locality being well screened from adjacent dwellings.

- Road maintenance the Council is responsible for the maintenance of Tarrant Road.
- Dust control the proposed truck access driveway and turning pad are to be constructed of compacted limestone material with a hard surface. With this construction dust emissions are considered to be negligible and not to create a nuisance.

In the unlikely event dust did become an issue, a dust suppressant (Tach-12) could be applied to the hardstand to control dust. Tach-12 is a commonly used product in subdivisions where the bulk earthworks can sometimes become an issue and works to provide medium term dust control in windy conditions.

- Noise (Working Dogs) The applicant is responsible for the proper control of any dogs, including working dogs, kept on the property as required by the *Dog and Cat Management Act* 1995. This includes ensuring dogs do not create a nuisance.
- Business Growth The development application is clearly seeking a change of land use for the parking of one (1) 19-metre long *rigid* truck and trailer combination.

In the event the applicant sought to expand/grow his business and have additional trucks parking on the property, then a formal Development Application would need to be lodged to gain approval for any additional trucks.

- Public Safety Tarrant road is a public road, and its use is subject to complying with the relevant traffic laws, including the 80 kph speed limit on the road. The road is very open with good sight distances and vision for all road users.
- Contaminates the applicant's truck and trailer are used for the transporting of livestock, noting
 the truck and trailer are washed out prior to returning home for parking. Similarly, there is no
 refuelling undertaken on the site and all truck and trailer maintenance is undertaken by
 commercial truck maintenance companies off site.

Refer to Attachment 7 for the Response to Representations

ASSESSMENT OF REPRESENTATIONS AND RESPONSE

Mr Brennan has provided an appropriate response to the concerns of the representors. In addition, please note the following comments with relation to the representations:

- Submission/Lodgement Date the applicant submitted the Development Application to the Plan SA Portal 17 November 2024. After submission and prior to lodgement, the relevant authority may request further documentation/clarification to ensure all necessary information for an assessment is provided, then once received, fees are allocated for payment.
- After the fees are paid, the Development Application is formally lodged. For this
 application formal lodgement occurred on 6 December 2024, the date of payment of
 the fees. Hence the two dates.
- The Applicant has sought approval for a heavy combination truck and trailer and a 50m x 50m turning pad on the subject land, and therefore the application must be assessed on its merits on this land parcel.
- The Development Application submitted was for a heavy combination 'ridged (sic)' truck and trailer which was interpreted differently than a 'rigid' truck and trailer. The difference is acknowledged and has been interpreted correctly by Council's Director of Works and Infrastructure in his assessment of the entrance to the property and permission to travel on Tarrant Road.
- It is agreed with Mr Brennan's response that an application for the applicant's truck and trailer to travel on Tarrant Road is the subject of a separate application to Council, as is the alteration to the driveway access point, (Sec 221 - Authorisation to Alter a Public Road).'

It is noted that the applicant has sought approval from Council's Director of Works and Infrastructure, Tony Jordan for both and that these have both been granted approval. Maintenance on Tarrant Road, and other roads within the Council area is separate to this Development Application and forms part of Council's ongoing roadworks maintenance programs. Council encourages ratepayers and road users to report any damage or concerns to roads as soon as practical so that they may be assessed and any relevant actions undertaken.

- o By-Laws and their regulation is separate to the Development Application process.
- No maintenance, refuelling or washing down of the stock trailer will occur on the site, reducing any environmental risk. The Applicant will be made aware of their expectation to comply with EPA Regulations as part of the assessment and conditions of this Development Application.
- Tarrant Road is currently used by differing types of vehicles, including some heavy vehicles as stated by the Representors. It is apparent from aerial photographs in the vicinity of the subject land that there is likely a truck and trailer regularly parking on the northern roadside of Tarrant Road, facing east, as.

There are many other types of farm machinery and livestock trucks that regularly use this road as stated in the representors response for the recent Development Application of a 'Campground' on Tarrant Road, therefore the addition of one truck and trailer parking on the land is unlikely to cause any significant additional traffic impact.

INTERNAL REFERRAL

<u>Works and Infrastructure Department – Director of Works and Infrastructure</u>
Council's Director of Works and Infrastructure, Mr Tony Jordan has been consulted and has responded advising he is satisfied that:

'The proposed development is in a rural area, sight distance is good from the entry/exit, the road is flat and straight, the applicant is exempt for the 'no truck' signs as this is his residence and trafficking his truck trailer for storage only'.

PLANNING ASSESSMENT

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

Question of Seriously at Variance

The proposed development comprising a Change of Use - Parking of 1 x Heavy Combination Truck and Trailer (19 metres in length) is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016 for the following reason:

(a) The proposed land use is not prejudicial to the Desired Outcome of the Rural Horticulture Zone.

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

Part 2 - Zones and Sub Zones

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

Although the proposed Change of Land Use for the parking of one(1) Heavy Combination Truck and Trailer is not specifically listed in the Zone, distribution activities is included in the land use performance outcome. Livestock transport is a type of land use that can support and interface with agricultural and horticultural uses.

The subject land is of a size that the proposed development will not impede on the operation or function of horticultural/ rural industry activities on neighbouring properties, noting the locality has a mixed use of rural and horticultural activities, and rural living.

Parking a truck and trailer used for livestock transport is not therefore a land use that is sensitive to existing agricultural and horticultural activities.

Siting and Design

The proposed development is serviced by an all-weather sealed trafficable public road, Tarrant Road, Moorak a narrow road shared by all types of vehicles.

Rural Industry

Transport distribution is an important part of rural industry and the parking of one heavy combination truck and trailer is directly related to a primary production use on the same and adjoining allotment (owned by family), however it is also a commercial enterprise whereby Mr Durcan will be transporting livestock for landowners in other areas outside of the Tarrant Road vicinity.

The scale and nature of the proposed development is minor and maintains the rural function and character in a manner that respects landscape amenity.

The truck and trailer will be parked within the existing shed which is setback approx. 75 metres from Tarrant Road. The nearest sensitive receiver is approx. 140 metres to the north-east. No loading or unloading will occur on the allotment as the truck will always be unloaded when parked.

Part 3 - Overlays

Hazards (Bushfire – General Risk) Overlay

The proposed development is located within a 'General' bushfire risk area and the proposed new driveway access and turning pad will allow emergency services vehicles to enter and exit the property in the vicinity of the truck parking and turning area should a bushfire or other emergency ensue.

Native Vegetation Overlay

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

Prescribed Wells Area Overlay

Reticulated mains water is available on the subject land. There will be no impact upon the existing water supply to the site as a result of the proposed development.

A Water Licence is there not required and as the development proposal does not involve the taking of water for any listed class of development in PO 1.1 there is no trigger for referral to the Landscape Board.

Water Protection Area Overlay

The Applicant does not propose to wash down any effluent from the livestock transport on the subject land. There will be no servicing or refuelling undertaken at the property, and no storage of diesel on the property. Any minor cleaning of the truck (Prime mover) will be similar in nature to washing a car on the land. No trigger for referral to the Environment Protection Authority (EPA) is warranted.

Part 4 - General Development Policies

Design

The proposed truck parking and turning pad (50m x 50m) will have minimal visual impact to landowners within the vicinity based on existing landscaping on their own properties and on the subject land. It could be conditioned to provide some landscaping surrounding the turning pad; however, this is not imperative based on the existing landscape in the same paddock that will reduce the visual impact.

Interface between Land Uses

The proposed development to park the truck and trailer in an existing shed and create a turning pad has been located an adequate distance away from sensitive receivers within the locality and designed to mitigate adverse effects to neighbouring and proximate land uses.

The applicant proposes to enter and exit the property only once per day with the truck and trailer unloaded. Based on the nature of the development, with minimal truck movements, the Environment Protection Authority's policies with regard to noise and air quality are considered to be achievable by the Applicant.

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

Mr Brennan in his response to representations has committed to the Applicant providing dust suppressant measures to manage dust in the unlikely event that this does occur.

Site Contamination

The development proposal involves a change in the use of land that does not constitute a change to a more sensitive use. Based on the proposed nature and scale of the proposal, no site contamination is likely.

Transport, Access and Parking

Access to the existing shed to park the truck and trailer 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 vehicle 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

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

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 overall character and amenity of the locality. The environmental impact of the proposal is minimal and acceptable.

Having regard to the provisions of the Planning and Design Code, the proposed Change of Use - Parking of 1 x Heavy Combination Truck and Trailer (19 metres in length) is supported in the Rural Horticulture Zone and warrants planning Consent.

INVITES

The Representor - Jodi Widdison

The Representor - Alan & Elizabeth Leibhardt

The Representor - Alan Leibhardt on behalf of Kevin & Trudy Derbyshire

The Applicant - Ryan Durcan

ATTACHMENTS

- 1. Application Snapshot 85 Tarrant Road [6.1.1 4 pages]
- 2. Application Documents [6.1.2 21 pages]
- 3. Sec 221 Authorisation to Alter a Public Road Approved [6.1.3 12 pages]
- 4. Subject Land Map [**6.1.4** 2 pages]
- 5. Zoning Map [**6.1.5** 2 pages]
- 6. Representation Map [6.1.6 2 pages]
- 7. Summary of Representations [6.1.7 66 pages]
- 8. Response to Representations [**6.1.8** 2 pages]
- 9. Appendix 1 Relevant P&D Code Policies [6.1.9 115 pages]

6.2 DA 24026658 - 6 GULLY COURT MIL-LEL - DETACHED BUILDING OUTBUILDING

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

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

- That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24026658
 6 Gully Court Mil-Lel Detached Building Outbuilding' as presented on Thursday 20 March 2025 be noted.
 - 1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016.
 - 2. The proposed development is not seriously at variance with the Planning and Design Code; however it is still at variance to the Planning and Design Code with regards to the character and amenity of the locality and the outbuilding exceeding the total combined floor area of 200 square metres and 5.0 metre total height for an outbuilding.
- 2. Having had regard to the provisions of the Planning and Design Code and all documentation associated with the application the development proposal is not supported, and Planning Consent be refused subject to the following reasons:
 - 1. The proposed outbuilding does not ensure orderly and proper development with its proposed floor area and total height not in keeping with the character of the locality.
 - 2. The outbuilding dominates the dwelling to which it is associated and will detract from the character and amenity of the subject locality.
 - 3. The proposed development does not improve or enhance the amenity and character of the area with regards to the proposed floor area and total height.

DEVELOPMENT NO.:	24026658	
APPLICANT:	Blackbird Industries	
ADDRESS:	6 GULLY CT MIL-LEL SA 5291	
NATURE OF DEVELOPMENT:	Detached Dwelling and 20m x 16m x 4m (6m) Outbuilding to store and park a 19-metre Truck &	
	Trailer (Car Hauler/Motor Home), 2 x Race Cars, 1 Pit Car; and domestic storage vehicles/items and a home gym	
ZONING INFORMATION:	Zones: • Rural Living Overlays: • Building Near Airfields • Hazards (Bushfire - General) • Hazards (Flooding - Evidence Required) • Native Vegetation • Prescribed Wells Area • Water Protection Area	

	Technical Numeric Variations (TNVs): • Minimum Site Area (Minimum site area is 1 ha)	
LODGEMENT DATE:	7 January 2025	
RELEVANT AUTHORITY:	Regional Assessment Panel/Assessment	
	Manager at Limestone Coast Southern Regional Assessment Panel	
PLANNING & DESIGN CODE	P&D Code (in effect) Version 2024.23 -	
VERSION:	Operational from 19 December 2024 to 15 January 2025	
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed	
NOTIFICATION:	Yes – Seven (7) adjoining landowners notified	
	Seven (7) representations received	
RECOMMENDING OFFICER: Trudy Glynn		
	Planning Officer	
REFERRALS STATUTORY:	Nil	
REFERRALS NON-STATUTORY:	Tony Jordan, Director of Works and Infrastructure, District Council of Grant	

DETAILED DESCRIPTION OF PROPOSAL:

A Development Application has been lodged with the relevant authority for a Detached Dwelling and 20m x 16m x 4m (6m) Outbuilding to *store and park a 19-metre Truck & Trailer (Car Hauler/Motor Home), 2 x Race Cars, 1 Pit Car;* and domestic storage vehicles/items and a home gym on the subject land.

The truck and trailer (car hauler/motor home) is proposed to be parked within the new outbuilding (to be constructed) on the western side of the allotment which is setback approx. 58 metres from Gully Court, Mil-Lel, an all-weather sealed road (cul-de-sac) and 6 metres from the side boundary. The detached dwelling is proposed 31.8 metres from the southern boundary and 28 metres from the western side boundary. Landscaping is proposed or existing to screen the development from all adjoining properties.

Access to the property is from an existing crossover. A driveway/manoeuvring area is proposed to provide a suitable turning area for the truck and trailer (car hauler/motor homes) to enter and exit the property in a forward direction.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 6 GULLY CT MIL-LEL SA 5291

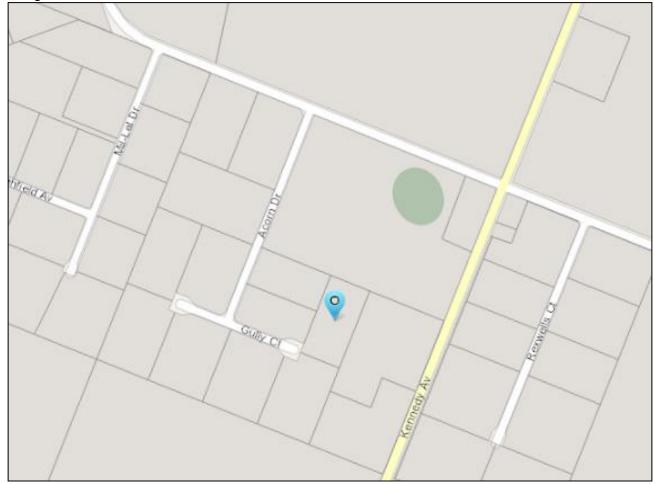
Title ref.: CT 6252/115 Plan Parcel: D126197 AL64 Council: THE DC OF GRANT

The subject land is reasonably flat and is located within a reasonably new sub-division, north-east of Mount Gambier.

The rectangular shaped allotment's south-western corner fronts Gully Court at the end of the culde-sac on an area of 1.174 ha (11,740 m2). The subject land is vacant with some existing landscaping on the northern and eastern boundaries.



Google Earth - March 2025



SAPPA Mapping – March 2025

Locality

The locality is characterised with rural living allotments ranging in size from approx. 1 ha to 1.5 ha. Adjoining these allotments is the Mil-Lel Showgrounds, Memorial Hall, Primary School and Tennis Club. Larger rural zoned allotments surround the Mil-Lel community which are support primary production, mainly with farming industry including dairying and the grazing of sheep and cattle.

The nearest sensitive receiver to the proposed development is approx. 30 metres on the western side.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

PER ELEMENT:

Shed

New housing

Change of use: Code Assessed - Performance Assessed Outbuilding (Shed): Code Assessed - Performance Assessed Detached dwelling: Code Assessed - Performance Assessed

OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

REASON

P&D Code; Outbuilding floor area greater than 200 m2, total height greater than 6.0 metres

PUBLIC NOTIFICATION REASON

Parking of a Truck & Trailer is not a form of development that is exempt under Table 5 - Procedural Matters (PM) – Notification

Seven (7) adjoining landowners were notified that the development proposal was on public notification from 15 Jan 2025 until 5 Feb 2025. Signage was required on the property.

LIST OF REPRESENTATIONS

Seven (7) 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.	Jakob Douglass 4 Gully Court, Mil-Lel	I support the development	No
2.	KB and DG Sharam Croyle Road, Suttontown	I oppose the development	Yes
3.	Krystal Merchant 7 Acorn Drive, Mil-Lel	I oppose the development	No
4.	Brodi and Jodie Sharam 593 Kennedy Avenue, Mil- Lel	I oppose the development	No
5.	Harley Keenan 1 Gully Court, Mil-Lel	I oppose the development	No
6.	Rob McLean 5 Acorn Drive, Mil-Lel	I oppose the development	Yes
7.	Tanya Lowe 2 Acorn Drive, Mil-Lel	I oppose the development	No

SUMMARY

In summary the representors have provided the following comments/concerns:

- Size of shed supported due to screening trees & position behind adjoining neighbour's existing shedding.
- Encumbrance does not meet the terms of the Encumbrance
- Excessive size of shed not supported as is over 200m2
 - Greater than Council/development regulations
- Protection of quiet nature of residential community
- Traffic Impact and Safety risk to families
- Noise pollution and disruption
- Environmental and lifestyle considerations
- Larger shed incompatible with the residential, family oriented lifestyle
- Industrial nature of the proposal
- Vehicle maintenance activities
- Unfair treatment of current residents
 - current residents are aware and have complied with all rules while developing their land
- Property Value impact
- Positioning of the Shed and Truck parking area along two neighbour's eastern boundaries, one close to bedrooms
- Significant visual impact
- Expansion of cars to industrial scale
- Residential area, speed limits confirm this

RESPONSE TO REPRESENTATIONS

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

• Encumbrance – both the truck and trailer have been weighed over a registered weighbridge and each vehicle is under 10 tonnes. This is not in contravention of the encumbrance provisions.

It is further noted that the provisions of the Encumbrance are not a matter to be taken into consideration by the relevant authority when assessing the Development Application.

 Amenity/Noise - proposed shed is to be clad in 'monument' Colorbond cladding and setback 58 metres from Gully Court and 6 metres from the western property boundary adjacent to another existing outbuilding on the adjoining property.

Landscaping is being provided along the western property boundary to provide additional screening.

The proposed outbuilding is also to be lined internally with acoustic insulation fabric to ameliorate any potential noise emanating from the shed.

The activities undertaken in the shed will at all times comply with the noise limits provided in the *Environment Protection (Commercial and Industrial Noise) Policy 2023.*

The weekly garbage truck collecting the waste along gully court would create more noise than the vehicles entering and exiting the property on an infrequent basis.

• Zoning / Industrial scale - the subject land is located in the Rural Living Zone and in this zone envisaged land uses include light industry and kennel facilities.

We are not saying our intended use of the shed is a form of light industry, but rather a 'store' which is described as '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 landowners, as their hobby, drive speedway race cars and are seeking to house the car trailer & prime mover in the shed together with other plant and equipment discussed in our Development Application. The landowners race approximately 25 times a year throughout the summer months, therefore the vehicle will not be coming and going very frequently.

The vehicle being raced is a specialised car, and unable to be registered, and therefore cannot be driven on roads. The vehicle does not have a key or starter motor and requires push starting to run/operate, therefore it will not be driven or operated at the property for 'testing & tuning.'

It is our view the activities to be undertaken and vehicles & equipment to be stored in the shed will not have a negative impact on the amenity of the general locality and is considered to be an acceptable form of development.

• Shed Size - The shed is not considered to be excessive in a Rural Living zone with an allotment size of 1.2 hectares.

The shed is primarily a 'store,' and we are of the view the size of the shed will provide adequate cover for the activities to be undertaken and vehicles and equipment to be stored and will avoid the activities & vehicles & equipment being stored in and around the site.

There is a demonstrated need for a larger shed.

- Road safety the landowners race approximately 25 timer a year through the summer months, therefore the vehicle will not be coming and going very frequently. It is our view this does not pose any road safety concerns along Gully Court or the surrounding road network.
- Property values the potential for property devaluation is not a matter to be taken into consideration by the relevant authority when assessing the Development Application.

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

Works and Infrastructure Department – Director of Works and Infrastructure

Council's Director of Works and Infrastructure, Mr Tony Jordan has been consulted and has responded advising he is satisfied that:

'Truck movements will be done on the property, the nature of the truck and trailer is for recreation so won't be carrying heavy loads, being located at the end of the cul-de-sac won't cause any traffic impact at all.'

PLANNING ASSESSMENT

Part 1 - Rules of Interpretation - This Part sets out how the Planning and Design Code implements the requirements of section 66 of the *Planning, Development and Infrastructure Act 2016*, and instructs the user on how the Code is to be read and applied to development assessed under the Act and provides for other matters relevant to the interpretation and operation of the Code.

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

a) Accepted Development

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

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

This development was required to be assessed as Performance Assessed development within a Rural Living Zone as the Detached Dwelling and the parking of a truck and trailer (car hauler/motor home) is a type of performance assessed development, and the outbuilding floor area exceeded 200 square metres, and the total height exceeds 5.0 metres.

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

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

Performance Outcome (PO)

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

Designated Performance Features (DPF)

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

In assessing the merits of the proposal, the relevant authority has reviewed the Zone, Overlays, and General Development Policies as contained within the P&D Code (in effect) Version 2024.23 19/12/2024.

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

Part 2 – Zones and Sub Zones

Rural Living Zone

Assessment Provisions (AP)

Desired Outcome (DO)

DO 1 A spacious and secluded residential lifestyle within semi-rural or semi-natural environments, providing opportunities for a range of low intensity rural activities and home based business activities that complement that lifestyle choice.

Land Use and Intensity

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

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

- (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
- (I) Outbuilding
- (m) Shelter stable
- (n) Shop
- (o) Verandah

A detached dwelling and an outbuilding are envisaged land uses in the zone. The parking of a truck and trailer (car hauler/motor home) is not specifically listed as a land use in the zone.

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

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

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

Parking a truck and trailer (car hauler/motor home) on the subject land within the 320 square metre outbuilding arguably does not necessarily show siting and design that complements the residential character and amenity and is perceived as being a conflict with the existing land uses in this Rural Living area.

Siting and Design

The proposed development is serviced by an all-weather sealed trafficable public road, Gully Court, Mil-Lel.

Built Form and Character

The proposed dwelling meets all of the DPF requirements.

The proposed outbuilding exceeds DPF combined total floor area of 200 square metres (proposed at 320 square metres), and DPF total roof height of 5.0 metres (proposed at 6.0 metres), has 4.0 metre wall height and is Colorbond 'Monument.'

Part 3 – Overlays

Building Near Airfields Overlay

The proposed development mates and complies with the DPF for this overlay and is over 4.7 kilometres from the Mount Gambier Airport.

Hazards (Bushfire – General Risk) Overlay

The proposed development is located within a 'General' bushfire risk area and facilitates access for emergency service vehicles to the habitable building for safe and effective evacuation of residents, occupants and visitors.

Hazards (Flooding – Evidence Required) Overlay

The proposed dwelling has a finished floor level more than 300mm above the highest point of natural ground level at the primary street boundary.

Native Vegetation Overlay

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

Prescribed Wells Area Overlay

There will be no impact upon the existing water supply to the site as a result of the proposed development. Water supply to the site will be by stormwater collection to 2 x 25,000 litre rainwater tanks to be installed on the land.

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

Water Protection Area Overlay

The Applicant has not specified if there will be any washdown of the truck and trailer (car hauler/motor home) or other vehicles proposed to be stored within the outbuilding. If the development proposal is approved by the LCSRAP, it is proposed to add conditions imposing that no refuelling, maintenance or servicing of the Race Cars, Pit Car, or washdown of these vehicles be undertaken on the subject land.

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

Part 4 - General Development Policies

Design

DO 1 – Development is:

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

All Development

The proposed dwelling meets the relevant policies for 'Design' as shown in the policy provisions. The proposed outbuilding and truck and trailer (car hauler/motor home) does not meet the 'contextual' part of DO 1 for the zone based on the proposed size of the shed in comparison to

existing development within the nearby Rural Living allotments on Acorn Drive, Gully Court and Kennedy Avenue.

The existing character of this area does not demonstrate such a significant departure from the desired DPFs for *Built Form and Character* as the proposed outbuilding does and are also not perceived as being a conflict with the existing land uses in this Rural Living area as the parking of the truck and trailer (car Hauler/motor home) is.

Massing

The visual mass of the proposed outbuilding has been reduced by the 58 metre setback and the proposed landscaping on the subject land, albeit this will need time to be established to provide a suitable visual screen.

Infrastructure and Renewable Energy Facilities

Water Supply

The development proposes 2 x 25,000 litre rainwater tanks for household supply.

Wastewater Services

The proposed onsite wastewater system is located so that it poses no encroachment issues.

Interface between Land Uses

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

The proposed parking of a truck and trailer (car hauler/motor home) has been perceived as an adverse impact on existing adjoining landowners within close proximity. The nearest sensitive receiver is located approx. 30 metres from the proposed outbuilding which will contain the truck and trailer (car hauler/motor home) and Race Cars, and Pit Car. This landowner advises that there are bedrooms on the eastern side of the dwelling which will be affected by the development.

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

Noise has also been raised as a concern of the representors and PO 4.1 states that 'development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers). It is anticipated that conditions of approval preventing any repairs or servicing of the Race Cars, Pit Car on the subject land will mitigate any noise impact.

The proposed development should also comply with the *Environment Protection (Commercial and Industrial Noise) Policy 2023'*.

Site Contamination

No site contamination is envisaged with the proposed development of a dwelling, outbuilding and parking of a truck and trailer (car hauler/motor home), as no refuelling, repairs or maintenance, or washdown of the truck and trailer (car hauler/motor home) and Spring Cars, Pit Car will be permitted.

The subject land is approved for residential purposes i.e. dwelling and outbuilding and therefore does not constitute a change in the use of the land to a more sensitive use.

Transport, Access and Parking Vehicle Parking Rates

Sufficient on-site vehicle parking is available on the site in accordance with *Table 1 – General Off-Street Car Parking Requirements* to service the proposed *Detached Dwelling*.

The proposed truck and trailer (car hauler/motor home) at 19 metres in length has been considered by Council's Access to the proposed Outbuilding to park the truck and trailer (car hauler/motor home) which is 19 metres in length is from the existing all-weather trafficable road, Gully Court.

The existing road is of a suitable width and standard to cater for this vehicle attending the site with minimal impact on the local road network. The provisions of the Planning and Design Code are met with the anticipated traffic impact for the proposed development.

Council's Director of Works and Infrastructure has been consulted and has considered this proposal. It is his conclusion that the proposal to park the truck and trailer (car hauler/motor home) on the subject land will not cause any traffic impact, and he has no issue with this proposal.

CONCLUSION

The proposed development comprises three elements, a Detached Dwelling, an Outbuilding and the parking of a 19-metre truck and trailer (car hauler/motor home) which is a 9.35 tonne prime mover and 9 tonne trailer equalling 18.35 tonne in total as advised by Mr Enderl.

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

The parking of the truck and trailer in the Rural Living Zone, is arguably not separated adequately from neighbouring properties, and has a land use conflict with existing development and therefore warrants careful consideration.

The proposed outbuilding at 320 square metres and 6.0 metres in total height is at variance with PO 2.5 – DTS/DPF 2.5 (b) (i) and (d) of the Planning and Design Code and also warrants careful consideration.

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

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

It is further noted that the subject land has an Encumbrance which has not been considered as part of the assessment of this Development Application. The landowner should investigate and seek their own clarification/permissions from the Encumbrancer with relation to the parking of the combined truck and trailer on the land.

The relevant authority has determined that the development proposal will not be in context to the character of the existing neighbourhood, with performance outcomes as detailed in the Zone and Policies of the Planning and Design Code not being achieved and as such is recommending that this Development Application be refused.

INVITES

The Representor – Robert McLean

The Representor – Kingsley and Debra Sharam

The Applicant – Frank Brennan on behalf of Blackbird Industries

ATTACHMENTS

- Application Snapshot 24026658 6 Gully Court Mil-Lel [6.2.1 5 pages] 1.
- Application Documents [6.2.2 13 pages] 2.
- 3. Subject Land Map [6.2.3 - 2 pages]
- 4.
- Zoning Map [**6.2.4** 3 pages] Representation Map [**6.2.5** 2 pages] 5.
- Summary of Representations [6.2.6 20 pages] 6.
- Response to Representations [6.2.7 2 pages] 7.
- Appendix 1 Relevant P& D Code Policies [6.2.8 114 pages] 8.

6.3 CHANGE OF MEETING DATE - APRIL 2025

Author: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

- 1. That Council report titled 'Change of Meeting Date April 2025' as presented on Thursday 20 March 2025 be noted.
- 2. Due to the timing of both Easter and Anzac Day, the April meeting of the RAP be rescheduled for Thursday the 10 April 2025.

PURPOSE

The purpose of this report is to confirm the meeting date of the Limestone Coast Southern Regional Assessment Panel (RAP) for April, 2025.

The meeting of the RAP in April is scheduled to be held on Thursday 17 April 2025. This is immediately before the Easter long weekend and is in the middle of school holidays.

The Assessment Manager is also on leave for this week.

BACKGROUND / OPTIONS

When considering the dates of Easter and the scheduled meeting of the RAP, including the availability of the Assessment Manager, it is considered appropriate to reconsider the April meeting date of the RAP.

At this time, it is anticipated there may be an item from the District Council of Grant and potentially from the City of Mount Gambier. The week following Easter will also be impacted by ANZAC day on Friday 25 April 2025.

At this time a possible alternative date for the April, 2025 RAP meeting could be Thursday 10th April, 2025.

If there are no items to be considered at the meeting, the meeting will be cancelled.

CONCLUSION

Due to the timing of both Easter and Anzac Day, the April meeting of the RAP be tentatively rescheduled for Thursday 10 April 2025.

ATTACHMENTS

Nil

7 URGENT MOTIONS WITHOUT NOTICE

8 MEETING CLOSE