REGIONAL COUNCIL OF GOYDER
COUNCIL DEVELOPMENT ASSESSMENT PANEL

Notice is hereby given that the next meeting of the Regional Council of Goyder Council Assessment Panel will be held in the Regional Council of Goyder Eudunda YAC Meeting Room, 25 Bruce Street, Eudunda, at 10.00 a.m. on Wednesday 22\textsuperscript{nd} January 2020.

Fiona Barr
DEVELOPMENT ASSESSMENT MANAGER

1. ATTENDANCE RECORD
Mr B. Ballantyne (Presiding Member), Ms D Hibbert, Mr R Semrau and Mr G MacInnes

1.1 PRESENT

1.2 APOLOGIES

A) CONFIRMATION OF MINUTES
Minutes of Meeting – RECOMMENDATION
That the minutes of the previous meeting of the Council Assessment Panel held on 30 October 2019 be taken as read and confirmed.

3. MEMBER DECLARATIONS
Pursuant to Section 56A of the Development Act 1993, the opportunity is hereby given to members of the CAP who have a direct or indirect personal or pecuniary interest in any matter before the CAP (other than an indirect interest that exists in common with a substantial class of persons)-

(a) to, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the panel, and

(b) to NOT take part in any deliberations or decisions of the panel on the matter and must be absent from the room when any deliberations are taking place or decision is being made.

Furthermore, a member of the CAP will be taken to have an interest in a matter if an associate of the member has an interest in the matter.

THE ONUS FOR DISCLOSURE RESTS WITH THE MEMBER (OR THE OFFICER)

4. DEVELOPMENT APPLICATIONS

4.1 Development Applications to be determined by the Panel

4.1.1 Category 3 – Non-Complying
422/037/19 Ian & Alison Smith
2\textsuperscript{nd} Dwelling
4.1.2 Category 3
   422/039/19 Carmen Grove
      Construction of Solar Panels on ground mounted framework

4.1.3 422/103/19 Andre Fischer
      Gararge/Storage Shed

5. CORRESPONDENCE
   Nil

6. OTHER BUSINESS

7. NEXT MEETING

8. CLOSE OF MEETING
APPLICATION NO. | 422/107/18  
APPLICANT       | IAN & ALISON SMITH  
OWNER           | MARK SMITH  
PROPOSAL        | SECOND DWELLING  
LOCATION        | SECTION 168, 119 EAGLE ROAD, BOWER  
ZONE            | PRIMARY PRODUCTION ZONE  
NATURE OF DEVELOPMENT | NON-COMPLYING CATEGORY 3  
PUBLIC NOTIFICATION | YES  
AGENCY REFERRALS | STATE COMMISSION ASSESSMENT PANEL (SCAP)  
RECOMMENDATION  | Grant Development Plan Consent subject to condition(s) and the concurrence of the State Commission Assessment Panel.

DESCRIPTION OF PROPOSAL

The applicant seeks Development Plan Consent for the construction of a single storey detached dwelling that will be the second dwelling on the allotment. The proposed dwelling is small and more the size of a granny flat. Albeit that it is independent in respect to domestic facilities, and therefore deemed to be a second dwelling, it exhibits circumstances more associated with an ancillary building to the main dwelling.

The proposed habitable building includes the following:

- Total living area being less than 50sqm, comprising 2 bedrooms, living area, bathroom and porch
- Will be grouped with existing buildings on the land
- Current access to subject land to remain with the existing driveway access to service both the existing and proposed dwelling
- Will share current power services
- 10,000 rainwater tank to be installed

Details of the proposed additional dwelling is as follows:
- Dimensions – 4.8m x 10.5m
- Area – 50.4sqm (living - 47.05sqm & porch – 3.35sqm
- Consists of 2 bedrooms, living area, bathroom and porch
- Wall cladding – Hardiflex 230 smooth; Roof – colorbond custom orb; windows & doors – aluminium; Base infill – 6mm hardiflex

The second dwelling is to be located approximately 50 metres north of the existing dwelling. No new access points are required. The existing driveway and access will service both the existing dwelling and proposed dwelling and associated existing outbuildings.
PREAMBLE
The purpose of this report is to assist the Panel in its consideration and determination of the subject of this application. It is considered that any potential impacts have been minimised where possible, especially given the overall context of the development and its relationship to the surrounding area.

BACKGROUND
The allotment has been the subject of previous development applications being:

422/035/14 – 2 x 6.1 metre x 9.2 metre x 2.4 metre implement sheds
422/046/18 – Single Storey dwelling (retrospective as the above DA had been converted by previous owner without any consents)

Mr & Mrs Ian Smith are the parents of the owner of the subject land-Mark Smith, who is the occupant of the existing dwelling on the land. The intention is that the second dwelling would be occupied by Ian & Alison Smith.

SUBJECT LAND
The subject land is contained within Certificate of Title Volume 6105 Folio 610. The subject land has a total area of 178 hectares. Currently a dwelling and associated outbuildings are located on the subject site and all access is from Eagle Road.

The majority of the land has been used for cropping (about 150 hectares), although it is presently not under crop. An area of about 28 hectares is covered in native vegetation. Land within the locality is almost entirely used for primary production activity.

The subject land at Section 168, 119 Eagle Road, Bower
LOCALITY
The subject land is situated adjacent the Thiele Highway between the small towns of Sutherlands (about 4 kilometres to the south-west) and Bower (about 8 kilometres to the north-east) with the proposed dwelling being setback some 900 metres from Eagle Road and about 1000 metres from Thiele Highway.

The nearest adjacent property is about 380 metres from the proposed site of the second dwelling and the closest dwelling on an adjacent site is in the order of 1.6 kilometres distant.

NATURE OF THE DEVELOPMENT
The proposed development is located within the Primary Production Zone which lists – as a non-complying form of development.

 Dwelling – Except for a detached dwelling that will not result in more than one dwelling on the allotment.

The proposal is identified in the Regional Council of Goyder Development Plan Primary Production Zone, Development Act 1993 (the Act), as a merit form of development.

Procedural matters regarding assessment of non-complying development:

The application is assessed under Regulation 17(6) of the Development Regulations 2008 and subsequently approved by the Panel, SCAP (State Commission Assessment Panel) concurrence must be sought prior to any Decision Notification being issued.

Statement of Effect
Section 17 of the Development Regulations 2008, require that most non-complying developments need a statement of effect to be submitted before a decision can be made on the application. Section 17(5) outlines the requirements of the statement of effect that must include the following:

- A description of the nature of the development and the nature of its locality; and
- A statement as to the provisions of the Development Plan which are relevant to the assessment of the proposed development; and
- An assessment of the extent to which the proposed development complies with the provisions of the Development Plan; and
- An assessment of the expected social, economic and environmental effects of the development on its locality; and
- Any other information or material that may be relevant and helpful in performing an assessment of the proposal.

A copy of the Statement of Effect is attached.
PLANNING ASSESSMENT
The Act requires the Council, as the relevant authority, to assess the application for Development Plan Consent against the provisions of the Development Plan. The proposed development proposes a non-complying dwelling within the Primary Production Zone. The key consideration of this assessment relates to the appropriateness of the land use and its relationship with the existing land use and the protection of existing and future land uses which might be considered appropriate within the zone and the locality.

Primary Production Zone
Objective 1: Economically productive, efficient and environmentally sustainable primary Production
Objective 2: Allotments of a size and configuration that promote the efficient use of land for primary production.
Objective 3: Protection of primary production from encroachment by incompatible land uses and protection of scenic qualities of rural landscapes.
Objective 4: Accommodation of wind farms and ancillary development.
Objective 5: Development that contributes to the desired character of the zone.

Particular relevance to the Development in the Primary Production Zone are as follows:
Objectives 1-3 & 5

Desired Character
Principles of Development Control 1, 2,8,9,10,11 & 12

The objectives of the Primary Production Zone seek to encourage productive, efficient and sustainable primary production and protect the zone from encroachment of incompatible land uses. The zone provisions also highlight that more than one dwelling on an allotment is non-complying and that non-complying development is generally inappropriate development. Despite this, the subject land is 178 hectares, sufficiently large enough for any viable primary production and thus is entirely consistent with the objectives of the zone.
The location of the second dwelling has not historically been used for farming as such the second dwelling will not make any difference to the amount of land used for primary production.
The proposed dwelling is associated with the existing cluster of buildings, is single-storey, with a pitched roof and incorporates a porch. Its small size in combination with vegetation screening and distance from property boundaries ensures protection of the scenic qualities of the rural landscape.

General Section:
Design and Appearance – Objective 1 and PDC’s 2-4, 6-8 & 18
Energy Efficiency – Objective 1 and PDC’s 1-5
Hazards – Objectives 1-4 and PDC’s 1, 2, 6 & 8
Infrastructure Between Land Uses – Objectives 1 & 2 and PDC’s 1, 2, 5 & 10
Landscaping, Fences and Walls – Objective 1 and PDC’s 1 & 2
Natural Resources – Objectives 1, 2, 5, 6, 10 & 13 and PDC’s 1, 2, 4, 5, 30-32, 41 & 42
Orderly and Sustainable Development – Objectives 1, 3, 4 & 6 and PDC’s 1, 2 & 6
Residential Development – Objective 1 and PDC’s 7, 10, 14, 16, 20, 30 & 35
Siting and Visibility – Objective 1 and PDC’s 1, 2, 4-6 & 8
Transportation and Access – Objective 2 and PDC’s 1, 21, 22, 24, 27 & 31
Waste – Objectives 1&2 and PDC’s 1&7

The additional small dwelling will not place any additional demand on any of the essential services, as the land is currently serviced by all-weather roads, power and telecommunications services.

The siting of the proposed second dwelling is in an unobtrusive location, grouped with existing buildings and suitably screened ensuring the protection of the rural landscape. Visual impact will be minimal from both public roads and property boundaries.

The proposed development is a non-complying form of development as outlined in the Zone, as such non-complying development is generally inappropriate development. Despite this, the development is intended to directly support the existing land use and thus is entirely consistent with the objectives of the zone. The development will facilitate the ongoing viability of the existing use of the land plus additional family members could provide a contribution to a social benefit in supporting the viability of social facilities in the area.

It is not necessarily relevant to the assessment that the development is non-complying but rather how well the development responds to the objectives of the zone and policy area and the provisions of the development plan in its entirety.

**SUMMARY**

Whilst recognising the non-complying nature of the proposed second dwelling, the proposal is substantially consistent with the relevant provisions of the Regional Council of Goyder Development Plan and warrants support for the following reasons:

- The second dwelling is small-scale and will result in minimal change to the physical appearance of the land and will not compromise the use of the land for primary production
- The small dwelling will result in no difference to the amount of land available for primary production use
- The visual impact on the landscape character of the locality is neutral considering the distance and screening
- Vehicle movements from the existing dwelling and the proposed dwelling will have negligible impact
- Suitable infrastructure is available to both dwellings
• Buffer distances between the proposed dwelling and primary production on adjacent properties are significant
• Existing and proposed on-site rainwater collection and wastewater systems will service each dwelling independently
• Building materials are non-reflective and will not detract from the natural features of the land
• No additional access points are required

CONCLUSION
Section 33(a) of the Act requires the relevant authority (the Council) to assess a development application against the provisions of the relevant-appropriate Development Plan and section 35(2) specifies that where a development is assessed as being seriously at variance with the Development Plan, it must not be granted.

Taking into account the low key nature of the proposal that results in minimal, if any unreasonable adverse impact upon the ongoing function, amenity or character of the zone.
There are no economic costs to the community associated as a result of the proposal.

The application is for a single storey detached dwelling that has minimal if any impact on the character, amenity of land uses of the land in the locality of the development. Given all of the above, and despite the non-complying nature of the proposal, I am of the opinion that the application has sufficient merit and for this reason I consider that the application is an acceptable form of development, and warrants support of Council.

RECOMMENDATION

That the Regional Council of Goyder Council Assessment Panel resolves:

1. That pursuant to Section 35 (2) of the Development Act 1993, the proposal is not considered to be seriously at variance with the relevant provisions of the Regional Council of Goyder Development Plan (consolidated 24 November 2016).

2. That pursuant to Section 33 of the Development Act 1993, Development Application number 422/037/19 be granted Development Plan Consent subject to the concurrence of the State Commission Assessment Panel (SCAP) and the imposition of the following conditions, in addition to any conditions or requirements imposed by the Commission.

    1. Except where minor amendments may be required by other relevant acts, or by conditions imposed by this application, the development is to be established in strict accordance with the details and plans submitted in Development Application 422/037/19 and all works shall be completed to the reasonable satisfaction of Council prior to the occupation and/or use of the development.
2. The dwelling approved herein is to have all services (i.e. septic system, water, electricity etc.) connected and servicing the dwelling prior to occupation.

3. The site, buildings and materials to be utilised in the construction of the development shall be of a high quality and shall be maintained at all times to the reasonable satisfaction of Council.

4. All stormwater is to be retained onsite.

The Council Assessment Panel resolves to attach the following notes to the Development Plan Consent:

NOTES

1) Development Plan Consent
This Development Plan (DPC) consent is valid for a period of twelve (12) months commencing from the date the decision is given (or if an appeal has been commenced the date on which it is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the DPC consent, or a fresh development application will be required. The twelve (12) month time period may be further extended by written request to, and approval by Council. Application for extension to consent may be considered subject to payment of the relevant fee.

2) Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

3) The applicant is reminded of his/her general environmental duty, as required by Section 25 of the Environmental Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.

4) The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations.

5) The interference with Council infrastructure is an offence under Section 221 of the Local Government Act and no work shall take place on Council land without the prior written consent of Council. Further information may be obtained from the Technical Services Department on telephone (08) 8892 0100.
STATEMENT OF EFFECT

For SECOND SMALL DWELLING

Section 168, 119 Eagle Road, Bower

DA Number 422/037/2019

Ian & Alison Smith

November 2019
This statement has been prepared in accordance with Regulation 17 of the Development Regulations in respect to the proposed second dwelling in DA 422/037/2019 by Ian & Alison Smith on Section 168, 116 Eagle Road, Bower.

The subject land is located entirely within the Primary Production Zone of the Goyder Regional Council Development Plan, as delineated on Zone Map Go/1.

Dwelling is listed in the Primary Production Zone as non-complying, except for a detached dwelling that will not result in more than one dwelling on an allotment.

The existing allotment contains an existing dwelling. Consequently, as the exemption does not apply, the application is non-complying.

This Statement of Effect has consequently been prepared pursuant to Regulation 17(1) of the Development Regulations 2008.

1. Subject Land

The subject land is Section 168 that is contained in Certificate of Title Volume 6105 Folio 610.

The subject land has a total area of 178 hectares. Details of the allotment is contained on the following table:

<table>
<thead>
<tr>
<th></th>
<th>Area</th>
<th>Frontage</th>
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<tbody>
<tr>
<td>Section 168</td>
<td>178 Ha</td>
<td>1087.11.98m – Eagle Road</td>
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<tr>
<td></td>
<td></td>
<td>1436.36m – Thiele Highway</td>
</tr>
</tbody>
</table>

The Section contains one dwelling and associated outbuildings. Access to the site is from Eagle Road.

The majority of the land (about 150 hectares) has been used for cropping, although it is presently not under crop. An area of about 28 hectares is covered in native vegetation.

In respect to services, the existing dwelling has a septic tank and soakage area and connection to power. An overhead powerline crosses the property immediately
south of the existing dwelling. The dwelling is serviced by rainwater tanks collecting roof run-off.

A dry creek system crosses the land, about 300 metres north of the existing dwelling.

2. The Locality

The subject land is situated adjacent the Thiele Highway between the small towns of Sutherlands (about 4 kilometers to the south-west) and Bower (about 8 kilometers to the north-east).

Land in the locality is almost entirely used for primary production activity. However, there are numerous scattered areas of stands of native vegetation.

3. Background

My clients, Ian and Alison Smith are the parents of the owner of the subject land - Mark Smith, who is the occupant of the existing dwelling on the land. The intention is that the second dwelling would be occupied by Ian & Alison Smith. This is a convenient family arrangement, that would provide a degree of independence while the care of, and interaction with the family is available.

4. The Proposal

The proposed dwelling is small and more the size of a granny flat. Albeit that it is independent in respect to domestic facilities, and therefore deemed to be a second dwelling, it exhibits circumstances more associated with an ancillary building to the main dwelling, including the following circumstances:

• The total living area is less than 50m²

• It is grouped with all existing buildings on the land - the main dwelling & outbuildings

• It shares access and driveways with the main dwelling

• It shares power services with the main dwelling

Details of the proposed additional dwelling is as follows:

• Dimensions - 4.8m x 10.5m
• Area – 50.4m² (living – 47.05m² & porch – 3.35m²)
• Consists of 2 bedrooms, living area, bathroom and porch
• Wall cladding – Hardiflex 230 smooth; Roof – colorbond custom orb; Windows & doors – aluminium; Base infill – 6mm hardiflex
• Wall height – 2.4m; Max roof height – 3.5m

The second dwelling is to be located approximately 50 metres north of the existing dwelling.

No new access points are required. The existing driveway and access will service both the existing dwelling and proposed dwelling and associated existing outbuildings.

A 10000L rainwater tank will be installed to collect roof run-off for re-use in the dwelling. A new septic system will be installed in accordance with Council’s Health requirements.

5. Relevant Development Plan Provisions

The subject areas covered by the provisions of the Goyder Council Development Plan of particular relevance to the development are as follows:

Primary Production Zone:
• Objectives 1 – 3 & 5
• Desired Character
• Principles of Development Control 1, 2, 8, 9, 10, 11 & 12

General Section:
• Design and Appearance – Objective 1 and PDC’s 2 - 4, 6 – 8 & 18
• Energy Efficiency – Objective 1 and PDC’s 1 - 5
• Hazards – Objectives 1 – 4 and PDC’s 1, 2, 6 & 8
• Infrastructure – Objectives 1, 2 & 5 and PDC’s 1, 6 & 10
• Interface Between Land Uses – Objectives 1 & 2 and PDC’s 1, 2, 5 & 10
• Landscaping, Fences and Walls – Objective 1 and PDC’s 1 & 2
• Natural Resources – Objectives 1, 2, 5, 6, 10 & 13 and PDC’s 1, 2, 4, 5, 30 – 32, 41 & 42
- Orderly and Sustainable Development – Objectives 1, 3, 4 & 6 and PDC’s 1, 2 & 6
- Residential Development – Objective 1 and PDC’s 7, 10, 14, 16, 20, 30 & 35
- Siting and Visibility – Objective 1 and PDC’s 1, 2, 4 - 6 & 8
- Transportation and Access – Objective 2 and PDC’s 1, 21, 22, 24, 27 & 31
- Waste – Objectives 1 & 2 and PDC’s 1 & 7

Maps

- Overlay Map Go/1 – Transport
- Zone Map Go/1

5.1 Primary Production Zone

**Objective 1:** Economically productive, efficient and environmentally sustainable primary production.

**Objective 2:** Allotments of a size and configuration that promote the efficient use of land for primary production.

**Objective 3:** Protection of primary production from encroachment by incompatible land uses and protection of scenic qualities of rural landscapes.

**PDC 1:** The following forms of development are envisaged in the zone: tourist accommodation, including through the diversification of existing farming activities and conversion of farm buildings; farming: intensive animal keeping (especially within Enterprise Policy Area 2); wind farm and ancillary development; wind monitoring mast and ancillary development.

The intent of the Primary Production Zone is for economically productive, efficient and environmentally sustainable primary production.

**Objective 2** particularly refers to allotments being of a size that would promote the efficient use of land for primary production. Large allotments facilitate viable land holdings for primary production. The subject land is 178 hectares, sufficiently large enough for viable primary production. Albeit that the land contains sizable areas of native vegetation, and is presently not under crop, there is sufficient cropping land available (about 150 Ha) to provide a viable primary production activity.

The second dwelling is in a location, grouped with existing buildings, that has not historically been used for farming. Thus, the second dwelling will not make any difference to the amount of land used for primary production. In addition, an
increased number of family members occupying the land ensures maintenance, security and weed and pest control – all matters contributing to the improvement of primary production land.

The proposed dwelling is associated with the existing cluster of buildings, is single-storey, with a pitched roof and incorporates a porch. Its small size in combination with vegetation screening and distance from property boundaries ensures protection of the scenic qualities of the rural landscape.

The second dwelling is near the existing dwelling (about 50 metres) and involves little change to the existing physical appearance of the land.

In summary, the proposed small-scale second dwelling does not offend Objectives 1 – 3 and PDC 1.

<table>
<thead>
<tr>
<th>Objective 5: Development that contributes to the desired character of the zone.</th>
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<tbody>
<tr>
<td><strong>Desired Character</strong></td>
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<tr>
<td><strong>Function</strong></td>
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<tr>
<td>The region will support a more sustainable approach to primary production with rural production forming the core focus of the region. Sustainable land management practices will see long-term improvement in the quality of the environment and the economic activity of this region. Incompatible development will be restricted to support the ongoing function of primary production, with the division of land restricted to maintain large allotments and the construction of new dwellings and other structures limited to only being developed where they are associated with, and essential to, primary production activities. The townships of Eudunda (Bunker Site), Robertstown and Hallett contain necessary infrastructure for the storage, handling and transportation of agricultural and other commodities, which are an integral part of the rural economy, and should be protected from encroachment by incompatible activities. Alternative rural uses and value-adding enterprises that attract employment and economic development to the district will be developed in conjunction with the bulk handling activities in the Zone, but located sensitively to protect good quality land and to take advantage of existing infrastructure networks. Land of conservation and biodiversity significance will be protected from incompatible primary production activities and will be enhanced with tourism facilities to add to the diversity of the region’s employment and economy.</td>
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<tr>
<td><strong>Wind farms</strong></td>
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<tr>
<td><strong>Pattern of Development</strong></td>
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<tr>
<td>Large allotments will be maintained to prevent the reduced viability of primary production and the amalgamation of allotments will increase to maintain commercially viable farm sizes. New development in the primary production areas will be in the form of a range of different types of primary production, as well as appropriate value-adding uses. Alternative primary production uses and value-adding uses that are not directly reliant on good quality land will be located to avoid the sterilization of quality land, to minimise adverse impacts on sensitive uses and areas, as well as to take advantage of existing</td>
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infrastructure including freight networks. On land of conservation and biodiversity significance, eco-tourism and nature based tourism accommodation may be appropriate where it is located in close proximity to scenic routes, trails and conservation parks.

Development ancillary to primary production, such as farm dwellings and outbuildings including large sheds, will be developed in appropriate locations to minimise the visual impact as well as the operational impact on the primary production use. The development and location of new dwellings will be restricted to prevent further impacts on the operation of primary production uses. Existing minor settlements will be accommodated but further development within them will be limited to prevent issues with the provision of services and the potential impacts on the surrounding productive land. New dwellings and other structures will be set well back from all boundaries, apart from within existing minor settlements where the existing pattern of development should be followed.

Public Realm

The public road network throughout the primary production areas will serve multiple functions, acting as a freight network, tourist drives, droving of stock, people movement routes, transportation of farm machinery and as biodiversity corridors. The scenic qualities of the public routes and views across the primary production area will remain attractive and generally unobstructed by inappropriate development, including excessive advertising signage. The nature and appearance of road reserves will vary across the primary production area depending on the role the road plays. Freight routes will maintain wide, open reserves with limited driveway access points. Road reserves will generally be kept clear of obstructions for the movement of farm machinery. Special tourist drives, particularly to conservation parks, will include vegetation corridors of biodiversity significance. Areas of conservation and biodiversity significance will be protected from inappropriate new development.

Built Form

New buildings will generally be associated with existing clusters of buildings and will be of complementary scale and massing to those buildings, while also being of appropriate dimensions to serve their intended function. New dwellings will generally be single storey and will include pitched roofs, verandas and porches to address climatic issues. Isolated new buildings, including large sheds, will be located and designed to blend with the existing landscape, with appropriate earthworks and building design to suit the natural landform. Other structures will be of a form that blends with, and does not detract from, the scenic qualities and function of the primary production area.

Building Materials / Character

The open rural landscape is the dominant character element and new development will maintain that character, with new buildings appropriately sited, designed and screened by vegetation. New buildings will be constructed using materials and colours that blend with the rural landscape and are traditionally used within the rural environment including corrugated steel, stone and timber.

Key Design Elements

When determining whether or not a development proposal is in accordance with the Desired Character, greater weight should be given to the following design elements:

- impact on the sustainability and viability of primary production uses;
- visual impact on the landscape character;
The desired character is consistent with supporting and maintaining the existing sustainable primary production activity in the zone.

The subject land is excess of 100 hectares that provides a benchmark for viable farming allotments in the Primary Production Zone. The subject land is 178 hectares of which about 28 hectares contains native vegetation. The remaining 150 hectares is of sufficient size to provide a viable farming unit.

The second dwelling will make no difference to the land available for primary production use.

The physical appearance of the land will involve only minimal change. Thus, the portions of the Desired Character relating to public realm, built form and building materials/character has little application of relevance to the proposed second dwelling.

In regard to the key design elements, when determining accordance with the desired character, there should be greater weight given to three design elements. I would make the following observations in respect to the three design elements as they apply to the proposed land division:

- The second dwelling will have neither a positive or negative impact upon the sustainability and viability of primary production uses
- Again, the visual impact on the landscape character of the locality is neutral considering the distances and screening involved
- The existing access point to the secondary road will remain and the low volume of vehicle movements from the existing dwelling and proposed second small dwelling will have negligible impact upon the freight network

While the proposed second dwelling does not directly promote primary production, neither does it detract from the Desired Character of the Primary Production Zone.
Clearly the proposed second dwelling is non-complying. Thus, it is inappropriate unless it can be demonstrated that it does not undermine the relevant objectives and principles of the Development Plan. Reference to commentary in the desired character statement and the associated relevant objectives and principles, would suggest a neutral impact that will not undermine. In particular, I make the following comments:

- The second small dwelling is small-scale and will result in minimal change to the physical appearance of the land
- The second small dwelling will result in no difference to the amount of land available for primary production use
- There is neither a positive or negative impact upon the sustainability and viability of primary production uses
- The visual impact on the landscape character of the locality is neutral considering the distance and screening
- Vehicle movements from the existing dwelling and proposed dwelling will have negligible impact upon the freight network
- The proposed second dwelling is suitably protected from bushfire events
- Suitable infrastructure is available to both dwellings
- Buffer distances between the proposal dwelling and primary production on adjacent properties are significant
- There will be minimal physical changes to the land, thus no issues relating to natural resources
- Existing access, parking and manoeuvring areas satisfy the provisions relating to General Section - Transportation and Access
- Existing and proposed waste facilities on site satisfy the provisions relating to General Section – Waste

**PDC8**: Buildings should primarily be limited to farm buildings, a detached dwelling associated with primary production on the allotment and residential outbuildings that are: (a) grouped together on the allotment and set back from allotment boundaries to minimise the visual impact of buildings on the landscape as viewed from public roads (b) screened from public roads and adjacent land by existing vegetation or landscaped buffers.
**PDC 9:** A dwelling should only be developed if: (a) there is a demonstrated connection with farming or other primary production (b) the location of the dwelling will not inhibit the continuation of farming, other primary production or other development that is in keeping with the provisions of the zone (c) it is located more than 500 metres from an existing intensive animal keeping operation unless used in association with that activity (d) it does not result in more than one dwelling per allotment.

The proposed second dwelling substantially satisfies the criteria contained in these principles. In particular:

- The second dwelling will be grouped with the existing dwelling and associated outbuildings
- Mature vegetation screening exists between the existing and proposed dwellings and public roads and between the dwellings and primary production activities on adjacent land
- The subject land is not within 500 metres of intensive animal keeping
- Albeit that the proposed dwelling results in two dwellings on the site, the second dwelling is small-scale for the accommodation of family members

**Form and Character**

**PDC 11:** Structures and buildings should generally be set back a minimum of 30 metres from all road boundaries.

**PDC 12:** Development should not occur within 500 metres of a national park, conservation park, wilderness protection area or significant stands of native vegetation if it will increase the potential for, or result in, the spread of pest plants.

The proposed second dwelling is setback about 900 metres from Eagle Road and about 1000 metres from Thiele Highway.

There are no National Park, Conservation Park or significance stands of native vegetation within 500 metres of the subject land.

The proposal is entirely in accord with **PDC 11 & 12**.
5.2 General Section – Design and Appearance

**Objective 1:** Development of a high architectural standard that responds to and reinforces positive aspects of the local environment and built form.

**PDC 2:** The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.

**PDC 3:** Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walling facing areas exposed to public view.

**PDC 4:** Buildings should be designed to reduce their visual bulk and provide visual interest through design elements such as: (a) articulation (b) colour and detailing (c) small vertical and horizontal components (d) design and placing of windows (e) variations to facades.

**PDC 6:** Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces.

**PDC 7:** Transportable buildings and buildings which are elevated on stumps, posts, piers, columns or the like, should have their suspended footings enclosed around the perimeter of the building with brickwork or timber, and the use of verandas, pergolas and other suitable architectural detailing to give the appearance of a permanent structure.

**PDC 8:** The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare.

**Building Setbacks from Road Boundaries**

**PDC 18:** The setback of buildings from public roads should: (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality (b) contribute positively to the streetscape character of the locality (c) not result in or contribute to a detrimental impact upon the function, appearance or character of the locality.

The proposed second dwelling will be unobtrusive, being single-storey, small in size, screened by vegetation from public roads. The setback distance from the Thiele Highway is over 800 metres and over 1000 metres from Eagle Road.

The development will not detract from the rural amenity of the locality, considering the size of the dwelling, the distance from public roads and boundaries and the screening provided by existing native vegetation. The proposal involves the use of existing driveways on the site.

The external appearance of the dwelling is consistent with policy, in the following respects:

- Variation in the use of colour and materials
• Articulation of the building form, including windows and doors, porch and eaves

• The area between the floor and ground incorporates 6mm hardiflex base infill materials in accord with PDC 7

• The external building materials are not light-reflective in nature.

5.3 General Section – Energy Efficiency

<table>
<thead>
<tr>
<th>Objective 1:</th>
<th>Development designed and sited to conserve energy and minimise waste.</th>
</tr>
</thead>
<tbody>
<tr>
<td>PDC 1:</td>
<td>Development should provide for efficient solar access to buildings and open space all year around.</td>
</tr>
<tr>
<td>PDC 2:</td>
<td>Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.</td>
</tr>
<tr>
<td>PDC 3:</td>
<td>Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.</td>
</tr>
<tr>
<td>PDC 4:</td>
<td>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</td>
</tr>
<tr>
<td>PDC 5:</td>
<td>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</td>
</tr>
</tbody>
</table>

The proposed dwelling has the living area located between the north and south elevations with access to natural light and winter sunlight through a north facing window. The surrounding outdoor private open space areas are open and undefined, but have exposure to winter sun and are directly accessible to the internal living area.

The pitch of the roof provides approximately 30m² of north facing roof to accommodate solar hot water services and photovoltaic cells consistent with Objective 1 and PDC’s 4 & 5.

5.4 General Section - Hazards

<table>
<thead>
<tr>
<th>Objective 1</th>
<th>Maintenance of the natural environment and systems by limiting development in areas susceptible to natural hazard risk.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective 2</td>
<td>Development located away from areas that are vulnerable to, and cannot be adequately and effectively protected from the risk of natural hazards.</td>
</tr>
</tbody>
</table>
**Objective 3:** Development located to minimise the threat and impact of bushfires on life and property.

**Objective 4:** Expansion of existing non-rural uses directed away from areas of high bushfire risk.

**PDC 1:** Development should: (a) be excluded from areas that are vulnerable to, and cannot be adequately and effectively protected from, the risk of natural hazards (b) be sited, designed and undertaken with appropriate precautions being taken against fire, flood, coastal flooding, storm surge, landslip, earthquake, toxic emissions or other hazards such as vermin (c) not occur on land where the risk of flooding is likely to be harmful to safety or damage property. (d) be designed and sited to minimise environmental nuisance or harm resulting from biological, chemical or fire hazard, energy emission or explosion.

**PDC 2:** There should not be any significant interference with natural processes in order to reduce the exposure of development to the risk of natural hazards.

**PDC 6:** Buildings and structures should be located away from areas that pose an unacceptable bushfire risk as a result of one or more of the following: (a) vegetation cover comprising trees and/or shrubs b) poor access (c) rugged terrain (d) inability to provide an adequate building protection zone (e) inability to provide an adequate supply of water for fire-fighting purposes

**PDC 8:** Habitable buildings should have a dedicated water supply comprising a minimum of 22,000 litres available at all times for fire fighting which is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles.

The proposal satisfies the criteria contained in the Development Plan in the following respects:

- There is little physical change to the land
- An existing all-weather access is provided from Eagle Road;
- The terrain is reasonably flat and will accommodate emergency vehicles if required in the event of a bushfire;
- There is sufficient manoeuvring space around the site of the dwellings to enable emergency vehicles to travel in a forward direction
- An adequate building protection zone is available; and
- Existing and proposed rainwater tanks associated with the dwellings provide a water supply to each dwelling.

The site of the dwellings is not located in an area subject to flood events nor any other hazard. Albeit that a creek system crosses the land, it is over 250 metres from the site of the proposed dwelling.
5.5 General Section – Infrastructure

Objective 1: Infrastructure provided in an economical and environmentally sensitive manner.

Objective 2: Infrastructure, including social infrastructure, provided in advance of need.

Objective 5: The efficient and cost-effective use of existing infrastructure.

PDC 1: Development should not occur without the provision of adequate utilities and services, including: (a) electricity supply (b) water supply (c) drainage and stormwater systems (d) waste disposal (e) effluent disposal systems (f) formed all-weather public roads (g) telecommunications services (h) social infrastructure, community services and facilities (i) gas services.

PDC 6: In areas where no reticulated water supply is available, buildings whose usage is reliant on a water supply should be equipped with an adequate and reliable on-site water storage system.

PDC 10: Utilities and services, including access roads and tracks, should be sited on areas already cleared of native vegetation. If this is not possible, their siting should cause minimal interference or disturbance to existing native vegetation and biodiversity.

An adequate level of infrastructure exists to satisfy the relevant services listed in PDC 1. The additional small dwelling will not place any additional demand on essential services, as the land is currently serviced by all-weather roads, power and telecommunications services.

Existing and proposed on-site rainwater collection and wastewater systems will service each dwelling independently.

In respect to social infrastructure, although the nearby small towns of Sutherlands and Bower provide very limited facilities, higher order facilities are available in Eudunda (18 kilometres south-west) and Morgan (39 kilometres north-east).

5.6 General Section – Interface Between Land Uses

Objective 1: Development located and designed to prevent adverse impact and conflict between land uses.

Objective 2: Protect community health and amenity and support the operation of all desired land uses.

PDC 1: Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following: (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants (b) noise (c) vibration (d) electrical interference (e) light spill (f) glare (g) hours of operation (h) traffic impacts.

PDC 2: Development should be designed and sited to minimise negative impact on existing and potential future land uses considered appropriate in the locality.
The general provisions pertaining to the interface between land uses seeks to prevent adverse impact and conflict between incompatible land uses. There should be no interface issues considering that there is no change to the use of the land and the distance between the proposed dwelling and adjacent properties. A suitable buffer distance separates the existing dwelling and proposed dwelling from agricultural activities on adjacent land and is screened by mature vegetation. The nearest adjacent property is about 380 metres from the proposed site of the second dwelling and the closest dwelling on an adjacent site is in the order of 1.6 kilometres distant.

Likewise, the two dwellings are separated from each other by a distance of about 50 metres and screened with mature trees.

5.7 General Section – Landscaping, Fences and Walls

**Objective 1:** The amenity of land and development enhanced with appropriate planting and other landscaping works, using locally indigenous plant species where possible.

**PDC 1:** Development should incorporate open space and landscaping in order to: (a) complement built form and reduce the visual impact of larger buildings (e.g. taller and broader plantings against taller and bulkier building components) (b) enhance the appearance of road frontages (c) screen service yards, loading areas and outdoor storage areas (d) minimise maintenance and watering requirements (e) enhance and define outdoor spaces, including car parking areas (f) provide shade and shelter (g) assist in climate control within buildings (h) maintain privacy (i) maximise stormwater re-use (j) complement existing native vegetation (k) contribute to the viability of ecosystems and species (l) promote water and biodiversity conservation.

**PDC 2** Landscaping should: (a) include the planting of locally indigenous species where appropriate (b) be oriented towards the street frontage (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.

The development involves no fences or walls. The existing native vegetation in the general locality of the proposed dwelling is sufficient to satisfy the provisions of the Development Plan, providing screening, shade and visual relief.
### 5.8 General Section – Natural Resources

<table>
<thead>
<tr>
<th><strong>Objective 1:</strong></th>
<th>Retention, protection and restoration of the natural resources and environment.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objective 2:</strong></td>
<td>Protection of the quality and quantity of South Australia's surface waters, including inland and underground waters.</td>
</tr>
<tr>
<td><strong>Objective 5:</strong></td>
<td>Development consistent with the principles of water sensitive design.</td>
</tr>
<tr>
<td><strong>Objective 6:</strong></td>
<td>Development sited and designed to: (a) protect natural ecological systems (b) achieve the sustainable use of water (c) protect water quality, including receiving waters (d) reduce runoff and peak flows and prevent the risk of downstream flooding (e) minimise demand on reticulated water supplies (f) maximise the harvest and use of stormwater (g) protect stormwater from pollution sources.</td>
</tr>
<tr>
<td><strong>Objective 10:</strong></td>
<td>Minimal disturbance and modification of the natural landform.</td>
</tr>
<tr>
<td><strong>Objective 13:</strong></td>
<td>Protection of the scenic qualities of natural and rural landscapes.</td>
</tr>
</tbody>
</table>

| **PDC 1:** | Development should be undertaken with minimum impact on the natural environment, including air and water quality, land, soil, biodiversity, and scenically attractive areas. |
| **PDC 2:** | Development should ensure that South Australia's natural assets, such as biodiversity, water and soil, are protected and enhanced. |
| **PDC 4:** | Development should be appropriate to land capability and the protection and conservation of water resources and biodiversity. |

**Water Sensitive Design**

| **PDC 5:** | Development should be designed to maximise conservation, minimise consumption and encourage re-use of water resources. |

**Biodiversity and Native Vegetation**

| **PDC 30:** | Development should retain existing areas of native vegetation and where possible contribute to revegetation using locally indigenous plant species. |
| **PDC 31:** | Development should be designed and sited to minimise the loss and disturbance of native flora and fauna, including riparian and riverine animals and plants, and their breeding grounds and habitats. |
| **PDC 32:** | Native vegetation should be conserved and its conservation value and function not compromised by development if the native vegetation does any of the following: (a) provides an important habitat for wildlife or shade and shelter for livestock (b) has a high plant species diversity or includes rare, vulnerable or endangered plant species or plant associations and communities (c) provides an important seed bank for locally indigenous vegetation (d) has high amenity value and/or significantly contributes to the landscape quality of an area, including the screening of buildings and unsightly views (e) has high value as a remnant of vegetation associations characteristic of a district or region prior to extensive clearance for agriculture (f) is growing in, or is characteristically associated with a wetland environment. |
Soil Conservation

**PDC 41:** Development should be designed and sited to prevent erosion.

**PDC 42:** Development should take place in a manner that will minimise alteration to the existing landform.

The proposed second dwelling is small and will involve minimal change to the physical condition or use of the land.

The dwelling is located in an area reasonably clear of vegetation, although within an area containing vegetation. The small size of the building and relatively cleared area will mean minimal impact upon any vegetation.

Both the existing dwelling and proposed dwelling will be serviced by independent on-site septic wastewater systems and rainwater collection.

To the extent that it is relevant, the proposed small second dwelling is consistent with Objectives 1, 2, 5, 6, 10 & 13 and PDC’s 1, 2, 4, 5, 30, 31, 32, 41 & 42.

### 5.9 General Section – Orderly and Sustainable Development

**Objective 1:** Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.

**Objective 3:** Development that does not jeopardise the continuance of adjoining authorised land uses.

**Objective 4:** Development that does not prejudice the achievement of the provisions of the Development Plan.

**Objective 6:** Urban development contained within existing townships and settlements and located only in zones designated for such development.

**PDC 1:** Development should not prejudice the development of a zone for its intended purpose.

**PDC 2:** Land outside of townships and settlements should primarily be used for primary production and conservation purposes.

**PDC 6:** Development should be located and staged to achieve the economical provision of public services and infrastructure, and to maximise the use of existing services and infrastructure.

The proposed development is an orderly and sustainable form of development, in that the second small dwelling will not compromise the use of the land for primary production.
The land has access to existing infrastructure, thus ensuring a safe, convenient and pleasant environment in which to live.

In view of the distance between the proposed dwelling and adjacent properties, there is no circumstance that would jeopardise the continued use of primary production on adjacent land.

The small size of the dwelling in a location historically not used for primary production, ensures that the dwelling will not prejudice the achievement of primary production on the subject land nor land within the locality.

5.10 General Section – Residential Development

**Objective 1:** Safe, convenient, pleasant and healthy-living environments that meet the needs and preferences of the community.

**Design and Appearance**

**PDC 7:** The design and location of buildings should ensure that direct winter sunlight is available to adjacent dwellings, with particular consideration given to: (a) windows of habitable rooms, particularly living areas (b) ground-level private open space (c) upper-level private balconies that provide the primary open space area for any dwelling (d) access to solar energy.

**Street and Boundary Setbacks**

**PDC 10:** Dwellings should be set back from allotment or site boundaries to: (a) contribute to the desired character of the area (b) provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.

**Site Coverage**

**PDC 14:** Site coverage should be limited to ensure sufficient space is provided for: (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) a rainwater tank (e) private open space and landscaping (f) front, side and rear boundary setbacks that contribute to the desired character of the area (g) convenient storage of household garbage and recycling receptacles.

**Private Open Space**

**PDC 16:** Dwellings should have associated private open space of sufficient area and shape to be functional, taking into consideration the likely needs of the occupant(s), the location of the dwelling, and the dimension and gradient of the site.

**Car Parking and Access**

**PDC 30:** Driveways on arterial roads that serve more than one dwelling should be designed to cater for the simultaneous two-way movements of the largest vehicles expected to enter and exit the site.
Dependent Accommodation

PDC 35: Dependent accommodation (i.e., accommodation for dependent persons where the living unit is connected to the same services of the main dwelling) should be developed on the same allotment as the existing dwelling only where: (a) the site is of adequate size and configuration (b) the accommodation has a small floor area relative to the associated main dwelling (c) adequate outdoor space is provided for the use of all occupants (d) adequate on-site car parking is provided (e) the building is designed to, and comprises colours and materials that will, complement the original dwelling (f) the building is attached to the associated main dwelling.

The two dwellings provide a safe, convenient, pleasant and healthy living environment for family members occupying both the existing dwelling and second dwelling. The site upon which the dwellings are located on the land, is large by residential standards allowing for an attractive rural environment with suitable isolation distances from farming activities on adjacent land.

In addition, albeit that one dwelling is existing, it is appropriate to ensure that the proposed second dwelling and existing dwelling can satisfy the various provisions relating to residential development. The site containing the two dwellings would satisfy the various provisions relating to street and boundary setbacks, site coverage, private open space, car parking and access etc.

In respect to PDC 35, the second dwelling could be regarded as dependent accommodation as access and power services will be shared with the existing primary dwelling. In regard to the criteria contained in PDC 35 for dependent accommodation, I would make the following observations:

- The size and configuration of the proposed dwelling in association with the existing dwelling and outbuildings is more than adequate
- The floor area of the second dwelling is considerably smaller than the existing main dwelling
- Considerable areas of open space available to both the existing and proposed dwelling
- There is adequate space for on-site car parking for both dwellings
- The compatibility of building materials and colour with the main dwelling and attachment to the main dwelling, as contained in PDC 35 (e) & (f), is not relevant in the context of the large rural holding
5.11 General Section – Siting and Visibility

**Objective 1**: Protection of scenically attractive areas, particularly natural, rural and coastal landscapes.

**PDC 1**: Development should be sited and designed to minimise its visual impact on: (a) the natural, rural or heritage character of the area (b) areas of high visual or scenic value, particularly rural areas (c) views from public reserves, tourist routes and walking trails.

**PDC 2**: Buildings should be sited in unobtrusive locations and, in particular, should: (a) be grouped together (b) where possible be sited in such a way as to be screened by existing vegetation when viewed from public roads.

**PDC 4**: Buildings and structures should be designed to minimise their visual impact in the landscape, in particular: (a) the profile of buildings should be low and the rooflines should complement the natural form of the land (b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land (c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.

**PDC 5**: The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.

**PDC 6**: The number of buildings and structures on land outside of urban areas should be limited to that necessary for the efficient management of the land.

**PDC 8**: Development should be screened through the establishment of landscaping using locally indigenous plant species: (a) around buildings and earthworks to provide a visual screen as well as shade in summer, and protection from prevailing winds (b) along allotment boundaries to provide permanent screening of buildings and structures when viewed from adjoining properties and public roads (c) along the verges of new roads and access tracks to provide screening and minimise erosion.

The siting of the proposed second dwelling is in an unobtrusive location, grouped with existing buildings and suitably screened ensuring the protection of the rural landscape. Visual impact will be minimal through existing vegetation screening and significant distances from both public roads and property boundaries.

Building materials are attractive and non-reflective and the small dwelling will not detract from the natural features of the land or the general character or amenity of the area. Thus, the proposed development substantially satisfies **Objective 1** and **PDC’s 1, 2, 4, 5, 6 & 8**.
5.12 General Section - Transportation and Access

**Objective 2:** Development that: (a) provides safe and efficient movement for all motorised and non-motorised transport modes (b) ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles (c) provides off street parking (d) is appropriately located so that it supports and makes best use of existing transport facilities and networks.

**Land Use**

**PDC 1:** Land uses arranged to support the efficient provision of sustainable transport networks and encourage their use.

**Access**

**PDC 21:** Development should have direct access from an all weather public road.

**PDC 22:** Development should be provided with safe and convenient access which: (a) avoids unreasonable interference with the flow of traffic on adjoining roads (b) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision (c) is sited and designed to minimise any adverse impacts on the occupants and visitors to neighbouring properties.

**PDC 24:** The number of vehicle access points onto arterial roads shown on Overlay Maps Go/1, Go/2, Go/3, Go/4, Go/6, Go/7, Go/8, Go/9, Go/10 and Go/11 - Transport should be minimised, and where possible access points should be: (a) limited to local roads (b) shared between developments.

**PDC 27:** Driveways, access tracks and parking areas should be designed and constructed to: (a) follow the natural contours of the land (b) minimise excavation and/or fill (c) minimise the potential for erosion from run-off (d) avoid the removal of existing vegetation (e) be consistent with Australian Standard AS 2890 Parking facilities.

**Vehicle Parking**

**PDC 31:** Vehicle parking areas should be sited and designed in a manner that will: (a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network (c) not inhibit safe and convenient traffic circulation (d) result in minimal conflict between customer and service vehicles (e) avoid the necessity to use public roads when moving from one part of a parking area to another (f) minimise the number of vehicle access points to public roads (g) avoid the necessity for backing onto public roads (h) where reasonably possible, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points, (i) not dominate the character and appearance of a centre when viewed from public roads and spaces (j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas.

No additional access points are required. The existing driveway access point to Eagle Road is adequate to service the existing dwelling and proposed small second dwelling, consistent with PDC's 21 & 22.
Although the subject land has a frontage to an arterial road, all access is to a local road, entirely in accord with PDC 24.

No additional access points are required. The existing driveway and access point to Eagle Road is adequate to service both dwellings.

The existing and proposed dwellings are provided with existing adequate access, parking area and manoeuvring spaces for vehicles consistent with PDC’s 1, 27 & 31.

5.13 General Section – Waste

**Objective 1:** Development that, in order of priority, avoids the production of waste, minimises the production of waste, reuses waste, recycles waste for reuse, treats waste and disposes of waste in an environmentally-sound manner.

**Objective 2:** Development that includes the treatment and management of solid and liquid waste to prevent undesired impacts on the environment including, soil, plant and animal biodiversity, human health and the amenity of the locality.

**PDC 1:** Development should be sited and designed to prevent or minimise the generation of waste (including wastewater) by applying the following waste management hierarchy in the order of priority as shown below: (a) avoiding the production of waste (b) minimising waste production (c) reusing waste (d) recycling waste (e) recovering part of the waste for re-use (f) treating waste to reduce the potentially degrading impacts (g) disposing of waste in an environmentally sound manner.

**Waste Treatment Systems**

**PDC 7:** The disposal of wastewater to land should only occur where methods of wastewater reduction and reuse are unable to remove the need for its disposal, and where its application to the land is environmentally sustainable.

The proposal incorporates a new septic tank and disposal area that will be installed in accord with Council’s Health requirements. This septic system will be independent of the existing wastewater system servicing the existing dwelling.

Further, water is reused with the collection of roof catchment in rainwater tanks for use within the dwellings.

The development will not result in the unsustainable use of surface or ground water. More specifically, the proposed second dwelling will have little impact upon the quality of water resources, in that the development:

- Includes a septic wastewater system on the site;
- Minimises the generation of waste;
- Will not cause soil erosion;
- Maintains water quality of receiving waters;
- Retains and re-uses stormwater on-site;
- Has no impact upon existing native vegetation; and
- Is distant from watercourses.

The development will not result in the unsustainable use of surface or ground water.

6. Extent to which the proposed development complies with the Relevant Provisions of the Development Plan

While the proposed second small dwelling is a non-complying form of development in the Primary Production Zone, it complies with a substantial number of the relevant provisions of the Development Plan.

A brief summary of the assessment against the various provisions of the Development Plan, as detailed in Section 5 of this statement, is contained in the following table:

<table>
<thead>
<tr>
<th>Subject Area</th>
<th>Relevant Policy</th>
<th>Summary of Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Production Zone</td>
<td>Objectives 1, 2, 3 &amp; 5</td>
<td>Neutral impact on primary production. Primary production protected and supported.</td>
</tr>
<tr>
<td></td>
<td>Desired Character</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PDC’s 1, 2 &amp; 8 - 12</td>
<td></td>
</tr>
<tr>
<td>Design and Appearance</td>
<td>Objective 1</td>
<td>Substantially in accord with policy.</td>
</tr>
<tr>
<td></td>
<td>PDC’s 2 – 4, 6 - 8 &amp; 18</td>
<td></td>
</tr>
<tr>
<td>Energy Efficiency</td>
<td>Objective 1</td>
<td>Satisfies core intent of policy.</td>
</tr>
<tr>
<td></td>
<td>PDC’s 1 - 5</td>
<td></td>
</tr>
<tr>
<td>Hazards</td>
<td>Objectives 1 - 4</td>
<td>Satisfies criteria for bushfire protection. No other hazard.</td>
</tr>
<tr>
<td></td>
<td>PDC’s 1, 2, 6 &amp; 8</td>
<td></td>
</tr>
<tr>
<td>Infrastructure</td>
<td>Objectives 1, 2 &amp; 5</td>
<td>Suitable access to appropriate services – in accord with policy</td>
</tr>
<tr>
<td></td>
<td>PDC’s 1, 6 &amp; 10</td>
<td></td>
</tr>
<tr>
<td>Interface between Land Uses</td>
<td>Objectives 1 &amp; 2</td>
<td>Appropriate buffer distances – substantially satisfies policy</td>
</tr>
<tr>
<td></td>
<td>PDC’s 1, 2, 5 &amp; 10</td>
<td></td>
</tr>
</tbody>
</table>
| Landscaping, Fences and Walls | Objective 1  
|                              | PDC’s 1 & 2  
|                              | Only landscaping relevant.  
|                              | Existing vegetation satisfies policy.  
| Natural Resources            | Objectives 1, 2, 5, 6, 10 & 13  
|                              | PDC’s 1, 2, 4, 5, 30 – 32, 41 & 42  
|                              | Substantially satisfies policy  
| Orderly and Sustainable Development | Objectives 1, 3, 4 & 6  
|                              | PDC’s 1, 2 & 6  
|                              | Satisfies policy  
| Residential Development      | Objective 1  
|                              | PDC’s 7, 10, 14, 16, 20, 30 & 35  
|                              | Proposed dwelling in accord with policy  
| Siting and Visibility        | Objective 1  
|                              | PDC’s 1, 2, 4 – 6 & 8  
|                              | In accord with policy  
| Transportation and Access    | Objective 2  
|                              | PDC’s 1, 21, 22, 24, 27 & 31  
|                              | Existing access, parking and manoeuvring on the proposed site satisfy policy  
| Waste                        | Objectives 1 & 2  
|                              | PDC’s 1 & 7  
|                              | Existing and proposed wastewater facilities are in accord with policy  

7. Economic, Social and Environmental Effects

Economic

Employment

The proposed second dwelling provides a small contribution to employment in the building trades and other related professionals. In addition, there will be a contribution to employment relating to associated facilities (ie water tanks & wastewater). Therefore, the second dwelling provides a minor positive economic effect in respect to employment.

Infrastructure

The subject land is already serviced by an all-weather public road, electricity supply and telecommunication facilities. The development will place no additional demand upon existing public infrastructure.
No negative economic aspects are foreseen in the proposal.

Social

There are no aspects of the proposal that are likely to create any negative social effects. However, the potential future occupation of the second dwelling by additional family members could provide a contribution to a social benefit in supporting the viability of social facilities in the area.

Environmental

Vehicle Movements

There is no change to the access that will service both the existing dwelling and proposed dwelling. The second dwelling will create minimal change in vehicle generation to and from Eagle Road and Thiele Highway.

Native Vegetation

All existing mature vegetation is retained.

There are no negative economic, social or environmental effects associated with the proposed development.

8. Summary

Whilst recognising the non-complying nature of the proposed second dwelling, the proposal is substantially consistent with the relevant provisions of the Goyder Regional Development Plan and warrants approval. This is supported for the following reasons:

- Albeit that the second dwelling is listed as non-complying in the Primary Production Zone, the second dwelling is small-scale and to accommodate family members of the owners and occupiers of the primary dwelling;

- The second dwelling would not be detrimental to the primary aim of the zone of maintaining land for primary production, as the dwelling will not change the amount of available land able to be used for primary production activity;

- There is suitable protection from bushfire events and there are no other potential hazards;
- The development is appropriately screened when viewed from public roads and adjacent properties by distance and existing vegetation;

- There is adequate infrastructure for the two dwellings;

- There are no issues associated with the interface between land uses;

- There are no issues associated with natural resources;

- The second dwelling will not prejudice the continued use of authorised land uses;

- The proposed dwelling will satisfy the relevant provisions of the Development Plan relating to residential development;

- There is no change to the existing suitable point of access;

- Existing and proposed wastewater facilities for each dwelling satisfy the provisions of the Development Plan relating to waste; and

- There are no economic, social or environmental effect.

Thus, the proposal is **not seriously at variance** with the Goyder Regional Development Plan, in my opinion, and warrants Development Plan approval.

Yours sincerely

[Signature]

John Outhred BA Planning; MPIA
Principal Planner
Planning and Property
422/037/19 – IAN & ALISON SMITH

<table>
<thead>
<tr>
<th>APPLICATION NO.</th>
<th>422/107/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT</td>
<td>IAN &amp; ALISON SMITH</td>
</tr>
<tr>
<td>OWNER</td>
<td>MARK SMITH</td>
</tr>
<tr>
<td>PROPOSAL</td>
<td>SECOND DWELLING</td>
</tr>
<tr>
<td>LOCATION</td>
<td>SECTION 168, 119 EAGLE ROAD, BOWER</td>
</tr>
<tr>
<td>ZONE</td>
<td>PRIMARY PRODUCTION ZONE</td>
</tr>
<tr>
<td>NATURE OF DEVELOPMENT</td>
<td>NON-COMPLYING CATEGORY 3</td>
</tr>
<tr>
<td>PUBLIC NOTIFICATION</td>
<td>NOT YET UNDERTAKEN</td>
</tr>
<tr>
<td>AGENCY REFERRALS</td>
<td>STATE COMMISSION ASSESSMENT PANEL (SCUP)</td>
</tr>
<tr>
<td>RECOMMENDATION</td>
<td>PROCEED WITH APPLICATION</td>
</tr>
</tbody>
</table>

DESCRIPTION OF PROPOSAL

Refer to the Brief Statement of Support that has been provided by Outhred English on behalf of the applicant.

The proposed habitable building includes the following:

- Total living area being less than 50sqm, comprising 2 bedrooms, living area, bathroom and porch
- Will be grouped with existing buildings on the land
- Current access to subject land to remain with the existing driveway access to service both the existing and proposed dwelling
- Will share current power services
- 10,000 rainwater tank to be installed

BACKGROUND

The allotment has been the subject of previous development applications being:

422/035/14 – 2 x 6.1 metre x 9.2 metre x 2.4 metre implement sheds
422/046/18 – Single Storey dwelling (retrospective as the above DA had been converted by previous owner without any consents)

SUBJECT LAND

The subject land is contained within Certificate of Title Volume 6105 Folio 610.

The subject land has a total area of 178 hectares. Currently a dwelling and associated outbuildings are located on the subject site and all access is from Eagle Road.

Land within the locality is almost entirely used for primary production activity.
NATURE OF THE DEVELOPMENT
The proposed development is located within the Primary Production Zone which lists – as a non-complying form of development.

Dwelling – Except for a detached dwelling that will not result in more than one dwelling on the allotment.

Due to the application being deemed as a non-complying form of development Council had 2 choices in categorising this development, either Category 1 if deemed minor in nature or Category 3 if not deemed minor in nature. Council determined the application to have merit however could not deem it minor in nature, hence this application has been deemed Category 3 non-complying development.

The proposal is identified in the Regional Council of Goyder Development Plan Primary Production Zone, Development Act 1993 (the Act), as a merit form of development.

Procedural matters regarding assessment of non-complying development:
Council identified the proposed development as a ‘non-complying’ and requested a brief statement from the applicant in support of proceeding with an assessment, in accordance with the Development Regulations 2008 (per Reg 17(1)). In accordance with Regulation 17(1) of the Development Regulations 2008, the applicant has provided a ‘Brief Statement’ in support of the application and is attached for Panel Members.

The applicant does need to demonstrate merit in respect of the relevant provisions of the Regional Council of Goyder Development Plan, particularly the Primary Production Zone Objectives and other relevant sections of the plan, as well as focussing on the fact that the proposed development will not impact upon the locality and environment. The attached Applicants Statement of Support has clearly identified why the Panel should support to proceed to a full assessment.

If the application is assessed under Regulation 17(6) of the Development Regulations 2008 and subsequently approved by the Panel, SCAP (State Commission Assessment Panel) concurrence must be sought prior to any Decision Notification being issued.

Primary Production Zone
Objective 1: Economically productive, efficient and environmentally sustainable primary Production

Objective 2: Allotments of a size and configuration that promote the efficient use of land for primary production.

Objective 3: Protection of primary production from encroachment by incompatible land uses and protection of scenic qualities of rural landscapes.

Objective 4: Accommodation of wind farms and ancillary development.

Objective 5: Development that contributes to the desired character of the zone.
Whilst the primary objective of the zone is to promote the efficient use of land for primary production and to ensure the protection of primary production land from incompatible land uses, the proposed development will not have any adverse impact on the primary aim of the zone.

REFERRALS
State Commission Assessment Panel
A standard response to a non-complying application.

ASSESSMENT
Council must first consider whether to proceed with the assessment of this application and this report has been prepared for that purpose.

The non-complying application process has 3 major stages. This initial stage is to decide whether or not to proceed with an assessment of the application. If an assessment is to be undertaken, the second stage involves agency referral, public notification and a full analysis of the proposal finalising in a decision by the Panel. Section 17 of the Development Regulations 2008, require that most non-complying developments need a statement of effect to be submitted before a decision can be made on the application. Section 17(5) outlines the requirements of the statement of effect that must include the following:

- A description of the nature of the development and the nature of its locality; and
- A statement as to the provisions of the Development Plan which are relevant to the assessment of the proposed development; and
- An assessment of the extent to which the proposed development complies with the provisions of the Development Plan; and
- An assessment of the expected social, economic and environmental effects of the development on its locality; and
- Any other information or material that may be relevant and helpful in performing an assessment of the proposal.

Should the Panel resolve to approve the proposal, a third stage involving the concurrence of the SCAP will be undertaken.

CONCLUSION
I do not consider it to be a reasonable conclusion to determine that the proposal is significantly or seriously at variance with the provisions of the Development Plan (resulting in refusal), without first undertaking a more detailed assessment of the proposal.

It is therefore appropriate to exercise the option under Regulation 17(3), (b) of the Development Regulations, 2008 and proceed to assess the application.
RECOMMENDATION

That the Regional Council of Goyder Council Assessment Panel resolves;

That Council proceed with the assessment of DA 422/037/19 for the proposal of a second dwelling at Section 168, 119 Eagle Road, Bower, pursuant to Regulation 17(3), (b) of the Development Regulations, 2008.
Hi Fiona

Please find attached a Brief Statement of Support for the second dwelling in DA 422/037/2019.

Regards John

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit http://www.symanteccloud.com
Our Ref: 1924/099

18 September 2019

Chief Executive Officer
Goyder Regional Council
1 Market Square
BURRA SA 5417

Attention: Ms Fiona Barr
Development Assessment Manager

Dear Fiona

Re: DA 422/037/2019 – Second Dwelling – Section 168, 119 Eagle Road, Bower

I write on behalf of the applicants, Ian & Alison Smith, in regard to the proposal in DA No 422/037/19 for a second dwelling on Section 168, Hundred of Brownlow, 119 Eagle Road, Bower.

I have been requested to prepare a Brief Statement of Support, for this proposal.

1. Subject Land

The subject land is Section 168 that is contained in Certificate of Title Volume 6105 Folio 610.

The subject site has a total area of 178 hectares. Details of the allotment is contained on the following table:

<table>
<thead>
<tr>
<th>Area</th>
<th>Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 168</td>
<td>178 Ha</td>
</tr>
<tr>
<td></td>
<td>1087.11.98m – Eagle Road</td>
</tr>
<tr>
<td></td>
<td>1436.36m – Thiele Highway</td>
</tr>
</tbody>
</table>

The Section contains one dwelling and associated outbuildings. Access to the site is from Eagle Road.
The majority of the land has been used for cropping, although it is presently not under crop. However, an area of about 28 hectares is covered in native vegetation.

In respect to services, the existing dwelling has a septic tank and soakage area and connection to power. An overhead powerline crosses the property immediately south of the existing dwelling. The dwelling is serviced by rainwater tanks collecting roof run-off.

A dry creek system crosses the land, about 300 metres north of the existing dwelling.

2. **Background**

My clients, Ian and Alison Smith are the parents of the owner Mark Smith, who is the occupant of the existing dwelling on the land. The intention is that the second dwelling would be occupied by Ian & Alison Smith. This is a convenient family arrangement, that would provide a degree of independence while the care of, and interaction with the family is available.

3. **The Proposal**

The proposed dwelling is small and more the size of a granny flat. Albeit that it is independent in respect to domestic facilities, and therefore deemed to be a second dwelling, it exhibits circumstances more associated with an ancillary building to the main dwelling, including the following circumstances:

- The total living area is less than 50m$^2$
- It is grouped with all existing buildings on the land - the main dwelling & outbuildings
- It shares access and driveways with the main dwelling
- It shares power services

Details of the proposed additional dwelling is as follows:

- Dimensions - 4.8m x 10.5m
- Area – 50.4m$^2$ (living – 47.05m$^2$ & porch – 3.35m$^2$)
- Consists of 2 bedrooms, living area, bathroom and porch
- Wall cladding – Hardiflex 230 smooth; Roof – colorbond custom orb; Windows & doors – aluminium; Base infill – 6mm hardiflex
- Wall height – 2.4m; Max roof height – 3.5m

The second dwelling is to be located approximately 50 metres north of the existing dwelling.

No new access points are required. The existing driveway and access will service both the existing and proposed dwellings.

A 10000L rainwater tank will be installed to collect roof run-off for re-use in the dwelling. A new septic system will be installed in accordance with Council’s Health requirements.

4. Locality of the Development

The subject land is situated adjacent the Thiele Highway between the small towns of Sutherlands (about 4 kilometers to the south-west) and Bower (about 8 kilometers to the north-east).

Land in the locality is almost entirely used for primary production activity. However, there are numerous scattered areas of stands of native vegetation.

5. Nature of the Development

The subject land is located entirely within the Primary Production Zone of the Goyder Council Development Plan, as delineated on Zone Map Go/1.

Dwelling is listed in the Primary Production Zone as non-complying, except for a detached dwelling that will not result in more than one dwelling on the allotment.

Consequently, as the exemption does not apply, we submit this letter as a ‘Brief Statement of Support’ pursuant to Regulation 17(1) of the Development Regulations 2008.'

The subject areas covered by the provisions of the Goyder Council Development Plan of particular relevance to the second dwelling are as follows:

**Primary Production Zone:**

- Objectives 1 – 3 & 5
- Desired Character
- Principles of Development Control 1, 2, 8, 9, 10, 11 & 12

**General Section:**

- Design and Appearance
- Energy Efficiency
- Hazards
- Infrastructure
- Interface Between Land Uses
- Landscaping, Fences and Walls
- Natural Resources
- Orderly and Sustainable Development
- Residential Development
- Siting and Visibility
- Transportation and Access
- Waste

**Maps:**

- Overlay Map Go/1 – Transport
- Zone Map Go/1

### 6.1 Primary Production Zone

**Objectives 1 – 3 & 5**

**Desired Character**

**Principles of Development Control 1, 2, 8, 9, 10, 11 & 12**

The intent of the Primary Production Zone is for economically productive, efficient and environmentally sustainable primary production.
Objective 2 particularly refers to allotments being of a size that would promote the efficient use of land for primary production. This is supported in the Desired Character.

Large allotments facilitate viable land holdings for primary production. The subject land is 178 hectares, sufficiently large enough for viable primary production. Albeit that the land contains sizable areas of native vegetation, and is presently not under crop, there is sufficient cropping land available (about 150 Ha) to provide a viable primary production activity. The second dwelling is in a location, grouped with existing buildings, that has not historically been used for farming. Thus, the second dwelling will not make any difference to the amount of land used for primary production.

The proposed second dwelling is associated with the existing cluster of buildings, is single-storey, with a pitched roof and incorporates a porch.

The second dwelling is near the existing dwelling (about 50 metres) and involves little change to the existing physical appearance of the land.

6.2 General Section – Design and Appearance

**Objective 1**

**PDC’s 2, 3, 4, 6, 7, 8 & 18**

The proposed second dwelling will be unobtrusive, being single-storey, small, screened by vegetation from public roads. The setback distance from the Thiele Highway is over 800 metres and over 1000 metres from Eagle Road.

The development will not detract from the rural amenity of the locality. The proposal involves the use of existing driveways on the site.

The external building materials are not light-reflective in nature.

6.3 General Section – Energy Efficiency

**Objective 1**

**PDC’s 1 - 5**
The proposed dwelling has the living area located between the north and south elevations with access to natural light and winter sunlight through a north facing window. The surrounding outdoor private open space areas are open and undefined, but have exposure to winter sun and are directly accessible to the internal living area.

The pitch of the roof provides approximately 30m² of north facing roof to accommodate solar hot water services and photovoltaic cells consistent with Objective 1 and PDC's 4 & 5.

6.4 General Section - Hazards

**Objective 1 - 4**

**PDC's 1, 2, 6 & 7**

The development satisfies the criteria contained in the Development Plan in the following respects:

- All weather access is provided from Eagle Road;
- The terrain is reasonably flat and will accommodate emergency vehicles if required in the event of a bushfire;
- An adequate building protection zone can be achieved; and
- Rainwater tanks associated with the dwellings provide a water supply to each dwelling.

Albeit that a creek system crosses the land, it is over 250 metres from the site of the proposed dwelling.

6.5 General Section – Infrastructure

**Objectives 1, 2 & 5**

**PDC's 1, 6 & 10**

The land use will not place any additional demand on essential services, as the land is currently serviced by all-weather roads, power and telecommunications services.

On-site rainwater collection and wastewater systems will service each dwelling.
In respect to social infrastructure, although the nearby small towns of Sutherlands and Bower provide very limited facilities, higher order facilities are available in Eudunda (18 kilometres south-west) and Morgan (39 kilometres north-east).

6.6 General Section – Interface Between Land Uses

Objectives 1 & 2

PDC's 1, 2, 5 & 10

There should be no interface issues considering the distance between the proposed dwelling and adjacent properties. The two dwellings are separated from agricultural activities on adjacent land and screened by mature vegetation. The nearest adjacent property is about 380 metres from the proposed site of the second dwelling. Likewise, the two dwellings are separated from each other by a distance of about 50 metres and screened with mature trees.

6.7 General Section – Landscaping, Fences and Walls

Objective 1

PDC’s 1 & 2

The existing native vegetation in the general locality of the proposed dwelling is sufficient to satisfy the provisions of the Development Plan, providing screening, shade and visual relief.

6.8 General Section – Natural Resources

Objectives 1, 5, 6, 7, 8, 10 & 13

PDC’s 1 – 5, 30 – 32, 41 & 42

The proposed second dwelling is small and will involve minimal change to the physical condition or use of the land. The dwelling is located in an area reasonably clear of vegetation, although within an area containing vegetation. The small size
of the building and relatively cleared area will mean minimal impact upon any vegetation.

Both the existing and proposed dwellings are serviced by independent on-site septic wastewater systems and rainwater collection.

6.9 General Section – Orderly and Sustainable Development

Objectives 1, 3, 4 & 6

PDC's 1, 2 & 6

The proposed development is an orderly and sustainable form of development, in that both dwellings are serviced by good quality public roads and the land has access to existing infrastructure, thus ensuring a safe, convenient and pleasant environment in which to live.

In view of the distance between the proposed dwelling and adjacent properties, there is no circumstance that would jeopardise the continued use of primary production on adjacent land.

The small size of the dwelling in a location historically not used for primary production, ensures that the dwelling will not prejudice the achievement of primary production on the land.

6.10 General Section – Residential Development

Objective 1

PDC's 7, 10, 14, 15, 20, 30 & 35

The proposed second dwelling will satisfy the various relevant provisions relating to street and boundary setbacks, site coverage, private open space and access etc.
6.11 General Section – Siting and Visibility

Objective 1
PDC’s 1, 2, 3, 4, 5, 6 & 8

The siting of the proposed dwelling will ensure the protection of the rural landscape. Visual impact will be minimal through existing vegetation screening and significant distances from both public roads and property boundaries.

6.12 General Section - Transportation and Access

Objective 2
PDC’s 2, 21, 22, 24, 27 & 31

No additional access points are required. The existing driveway and access point to Eagle Road is adequate to service both dwellings.

The existing and proposed dwellings are provided with existing adequate access, parking area and manoeuvring spaces for vehicles consistent with PDC’s 27 & 31.

6.13 General Section – Waste

Objective 1
PDC’s 1 & 7

The proposal incorporates a new septic tank and disposal area that will be installed in accord with Council’s Health requirements. This septic system will be independent of the existing wastewater system servicing the existing dwelling.

The development will not result in the unsustainable use of surface or ground water. More specifically, the dwelling will have little impact upon the quality of water resources, in that the development:

- Includes a septic wastewater system on the site;
- Minimises the generation of waste;
• Will not cause soil erosion;
• Maintains water quality of receiving waters;
• Retains and re-uses stormwater on-site;
• Has no impact upon existing native vegetation; and
• Is distant from watercourses.

7. Conclusion

Whilst recognising the non-complying nature of the proposed second dwelling, the proposal is substantially consistent with the relevant provisions of the Goyder Council Development Plan and warrants further assessment for the following reasons:

• Albeit that a second dwelling is listed as non-complying in the Primary Production Zone, the dwelling is small and directly associated with the primary dwelling;

• The proposed second dwelling would not be detrimental to the primary aim of the zone of maintaining land for primary production, as the portion of the land where it will be positioned, is not used for primary production; and in any event uses minimal land area that would have minimal impact upon the viability of the primary production activity;

• The development is substantially in accord with the relevant parts of the Desired Character of the Primary Production Zone;

• The proposal substantially satisfies the relevant provisions of the Development Plan relating to Design and Appearance and Energy Efficiency;

• There is suitable protection from bushfire events and there are no other potential hazards;

• There is adequate infrastructure to service the additional small dwelling;

• There are no issues associated with the interface between land uses;

• The proposal satisfies the various relevant provisions relating to residential development;
• There are no issues associated with natural resources;

• The small second dwelling will not jeopardise the continued use of authorised land uses or prejudice the achievement of primary production on the land;

• The rural landscape will not be impacted by the proposal;

• There is no change to existing driveways or the existing suitable point of access; and

• Existing and proposed wastewater facilities for each dwelling satisfy the provisions of the Development Plan relating to waste.

It is requested that this letter be accepted as a brief statement of support pursuant to Regulation 17(1) of the Development Regulations 2008 and the Council resolve to proceed with the assessment of the development application pursuant to Regulation 17(3)(b).

Yours sincerely

John Outhred BA Planning; MPIA
Principal Planner
Planning and Property
## COLOUR SELECTION

**DESIGN:** PENOLA  
**PROJECT No:** 5093  
**CLIENT:** IAN AND ALISON SMITH  
**DATE:** 1/05/2019  
**LOCATION:** 119 EAGLE ROAD, BOWER SA 5374

### EXTERNAL SELECTION:

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<tr>
<th>Item</th>
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<th>Color2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roof Cladding</td>
<td>COLORBOND</td>
<td>WOODLAND GREY</td>
</tr>
<tr>
<td>Fascias Steel</td>
<td>COLORBOND</td>
<td>EVENING HAZE</td>
</tr>
<tr>
<td>Gutters</td>
<td>COLORBOND</td>
<td>SURFMIST</td>
</tr>
<tr>
<td>Downpipes</td>
<td>SOLVER</td>
<td>CORK</td>
</tr>
<tr>
<td>External Cladding</td>
<td>SOLVER</td>
<td>CORK</td>
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<tr>
<td>Eaves Lining</td>
<td>SOLVER</td>
<td>C/BOND EVENING HAZE</td>
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<tr>
<td>Base Infill</td>
<td>SOLVER</td>
<td>CORK</td>
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<tr>
<td>Windows</td>
<td>ACRYLIC FINISH</td>
<td>WHITE BIRCH</td>
</tr>
<tr>
<td>Front Door (Painted)</td>
<td>SOLVER - EXTERIOR</td>
<td>WHITE BIRCH</td>
</tr>
<tr>
<td>Glazing Panels</td>
<td>GLAZING PANELS TYPE</td>
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<tr>
<td>Side Light</td>
<td>GLAZING PANELS TYPE</td>
<td>N/A</td>
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<tr>
<td>Rear Door (Painted)</td>
<td>SOLVER - EXTERIOR</td>
<td>WHITE BIRCH</td>
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<tr>
<td>Verandah - Posts/Beam - Roof</td>
<td>STEEL/TIMBER</td>
<td>WHITE BIRCH</td>
</tr>
<tr>
<td>Balustrade</td>
<td>TIMBER - X STYLE</td>
<td>N/A</td>
</tr>
<tr>
<td>Decking</td>
<td>TIMBER - KAPUR DECKING</td>
<td></td>
</tr>
</tbody>
</table>
ACCOMMODATION
DEPendant RELATIVE
PROPOSED

EXISTING DWELING

APPROX. 476M

TO SITE BOUNDARY

APPROX. 384M

APPROX. 50M
Development Application No.: 422/037/19

Received By: SC
Date: .......... 

APPLICANT:
Name: Alison Smith
Postal Address: PO Box 317 Eudunda 5372

OWNER:
Name: Mark Enc Smith
Postal Address: HP PO Box 317 Eudunda 5374

BUILDER:
Name: System Built Home EMAC
Postal Address: 053 Main North Road Para Hills West 5096

CONTACT PERSON:
Name: Alison Smith
Postal Address: PO Box 317 Eudunda 5372
Mobile: 0428 994075
Email: lanali@bigpond.com

LOCATION OF PROPOSED DEVELOPMENT:
Street No.: 119
Street: Eagle Road
Suburb: Bower
Sec No.: Lot No.: Hundred: Volume
Folio No.: Ass. No.: A34921

DEVELOPMENT DETAILS (must be filled out to be accepted)
Development Cost (GST inclusive, exclude fit-out cost): $68,000
Floor Area (m²):

NATURE OF PROPOSED DEVELOPMENT (i.e. shed, dwelling, alterations and additions to dwelling, change of use, etc.)
Granny Flat

CURRENT LAND USE (i.e. residential, retail, office, vacant land, etc.)
residential

DOCUMENTS TO BE SUPPLIED WITH APPLICATION
Construction Industry Training Levy Form (Applies to Developments over $40,000) Supplied Not Required
Builders Indemnity Insurance Certificate (Applies to Residential Developments over $12,000) Supplied Not Required
Certificate of Title (Search Fee Applies) Supplied Not Required
APPLICATION NO. 422/039/19
APPLICANT ACE MICROGRID PTY LTD
OWNER CARMINE GROVE PTY LTD
PROPOSAL GROUND MOUNTED SOLAR PHOTOVOLTAIC SYSTEM
LOCATION LOT 824 BRUCE STREET, EUDUNDA SA 5374
ZONE RESIDENTIAL ZONE
NATURE OF DEVELOPMENT CATEGORY 3
PUBLIC NOTIFICATION YES
REPRESENTORS Six (6)
AGENCY REFERRALS Nil
RECOMMENDATION Option A or B

DESCRIPTION OF PROPOSAL
The application is for solar Photovoltaic is for Solar Photovoltaic (PV) Panels on ground Mounted Framework for commercial (renewable energy production) use incorporating:
  • Width of panels is 991mm which will be mounted into the ground
  • The rows Solar PV panels will be spaced 8 metres apart internally
  • Solar Panels will be mounted on steel frames with a height above ground level of between 1.7 metres to a maximum height of 2 metres
  • Transformer and Low Voltage Switchboard in the north eastern corner
  • 1.8 metre high chain mesh perimeter fencing
  • Associated landscaping.

PREAMBLE
The purpose of this report is to assist the Panel in its consideration and determination of the subject of this application. It is considered that any potential impacts have been minimised where possible, especially given the overall context of the development and its relationship to the surrounding area.

NATURE OF THE DEVELOPMENT
The proposal is identified in the Regional Council of Goyder Development Plan Residential Zone, Development Act 1993 (the Act), as a merit form of development.

The application has been processed as a Category 3 development for public notification purposes, on the basis that it does not encompass a form of development that is listed under public notification Categories 1 or 2 in either the Development Plan or in Schedule 9 of the Development Regulations 2008.
PUBLIC NOTIFICATION
The proposed development has been identified as a Category 3 development in accordance with s38 (2) (c) of the Act. The application was placed on public notification between 23 July 2019 and 6 August 2019 in The Leader Newspaper.

Six (6) representations were received.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Issue Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mary Morris</td>
<td>1285 Curio Highway, Hampden SA 5374</td>
<td>Residential Land, impact on neighboring properties such as glare.</td>
</tr>
<tr>
<td>T&amp;W Coop &amp; P Beentjes</td>
<td>73 Bruce Street, Eudunda SA 5374</td>
<td>Industrial development within a residential zone, visual impact, loss of house value.</td>
</tr>
<tr>
<td>Shaun Schutz</td>
<td>79 Bruce Street, Eudunda SA 5374</td>
<td>Decrease in land value and inappropriate location.</td>
</tr>
<tr>
<td>Amanda Schaefer</td>
<td>35 Hannan Street, Eudunda SA 5374</td>
<td>Glare, devalue of property value, residential zone.</td>
</tr>
<tr>
<td>L&amp;MZermer</td>
<td>89 Bruce Street, Eudunda SA 5374</td>
<td>Inappropriate location within a residential zone, glare, rise in heat and cause adverse discomfort for residents.</td>
</tr>
<tr>
<td>DA &amp; MM Booth</td>
<td>92 Bruce Street, Eudunda SA 5374</td>
<td>Inappropriate development within a residential zone, privacy impacts, visual, fire risks, soil erosion, noise and heat concerns.</td>
</tr>
</tbody>
</table>

The key issues raised in the public submissions related to land use compatibility and the amenity impacts of the development, including visual and that the development was inappropriate for the residential zone while also raising concerns that it may adversely affect the character of the residential zone and entrance into Eudunda.

Applicants Response

Residential Land
Whilst zoned residential, the large underutilised allotment has not been used for residential purposes and has remained vacant without market interest for future residential development given the supply of residential land within Eudunda.

Glare impacts from solar PV panels
In relation to glare impacts from the solar PV panels, a common misconception about solar photovoltaic (PV) panels is that they cause or create glare. Light absorption, rather than reflection, is central to the function of a solar PV panel in order to absorb solar radiation and convert it to electricity. Solar PV panels are constructed of dark-coloured materials and are covered with anti-reflective coatings which reflect as little as two percent of incoming sunlight which is about the same as water and less than soil or even wood.
**Heat impacts from solar PV panels**
In relation to heat impacts of solar PV panels, no evidence has been provided by the representors in support of this suggestion. From an evidence based approach, there have been several peer reviewed studies which identify that heat island effect is not applicable to solar farms and that natural convection will take any warm air upward and not towards adjoining properties.

**Appearance / visual impact on landscape character**
The solar PV modules have been designed in a consistent manner over the subject land to maximise its efficiency and minimise its visual impact. The overall maximum height of the solar modules will be in the order of 2.3m to 2.6m metres above natural ground level and the and the pile height will be 1.3m to 1.6m as shown on the plans.

**Too close to adjoining dwellings and impacts on privacy.**
The proposed panels will be adequately setback and separated to adjoining residential properties by proposed vegetation and existing vacant allotments which are not used for residential properties. Further, the existing vegetation along the Council verge and the roadway provides additional separation between the subject land to the properties to the west of the subject land. Based on the amended layout proposed, the solar panels at the closest point will be 85 metres from the closest dwelling to the north, 83 metres from the closest dwelling to the south and 86 metres from the closest dwelling to the west.

**Noise and pollution impacts**
Solar PV panels produce minimal noise and are generally silent during the operational phase. The only noise emitted from an operational solar farm would be from the substation and inverters, which can be inaudible with buffer distances to sensitive receivers and where equipment housing are used. There is no noise from inverters at night due to daytime operation of solar panels.

**Chain fencing not appropriate around residential block.**
The proposal includes a 1.8 metre high chain mesh fence which surrounds the subject land the proposed fencing will result in fencing which is consistent with other open natured fencing in the locality.

**Increased fire risk.**
The subject land is not contained within a general bushfire risk area and will not result in fire risk on the subject land.
An aerial view of Bruce Street showing the subject land within the residential zone and Three Chain Road Industrial Zone that is also currently underutilised.

ASSESSMENT OF THE PROPOSAL
In determining if the development is a reasonable form of development for the subject site, an assessment is conducted against the relevant provisions of the Development Plan. The appropriateness of the proposal is therefore reliant on satisfying such provisions and having no unreasonable impact upon the adjoining properties and on the amenity and character of the locality.

SITE DESCRIPTION
The subject land is located in the Residential Zone with access to the site from Three Chain Road. Whilst a residential zone surrounds the subject site, the Industrial Zone is located east of Three Chain Zone. There is no vegetation of significance on the site, however there is extensive vegetation along the council verge to the west of the subject land with the interface to Bruce Street and the adjoining residential land.
The site has a downwards slope from the south to the north and further slope from the middle of the site to the eastern and western boundaries.

**Locality**

The subject land is located at the northern gateway entrance into the Eudunda Township with wide street and street trees forming an important part of the open rural character of the town entrance. The current public realm needs to be maintained and any development needs to be sensitive and compliment the current building stock and character.

The surrounding area along Bruce Street can be described as low density and defined by single storey standalone dwellings on larger allotments. While to the east of the subject land it is zoned Industrial with much of the land underutilized.
RESIDENTIAL ZONE

The subject land is located in the Residential Zone as indicated on Zone Map Go/11 of the Regional Council of Goyder Development Plan, Consolidated 24 November 2016, where the desired character statement for the Zone envisages the following:

Residential Zone
Objective 1: A residential zone comprising a range of dwelling types.
Objective 2: Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.
Objective 3: Development that contributes to the desired character of the zone.

Principles of Development Control

Land Use
1. The following forms of development are envisaged in the Residential Zone:
   - Domestic outbuilding in association with a dwelling
   - Domestic structure
   - Dwelling
   - Dwelling addition
   - Small scale non-residential uses that serve the local community, for example:
     - Child care facilities
     - Health and welfare services
     - Open space
     - Primary and secondary schools
     - Recreation areas
     - Shops, offices or consulting rooms
     - Supported accommodation
     - Tourist accommodation (1 to 5 units and maximum of 10 persons)

4. Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings with densities higher than, but compatible with adjoining residential development.

The Objectives of the Residential Zone encourage the development of a wide range of dwelling types, increased densities and the revitalisation of underutilised land to facilitate a greater mix of housing types and improved residential amenity. The zone objectives and Policy Area provisions are silent on non-residential development in the Zone. However, PDC 5 does contemplate non--residential uses in the Zone providing that they are small scale and serve the local community, are consistent with the character of the locality and do not detrimentally impact on the amenity of nearby residents. These identified uses include childcare centre, schools and shops, office and consulting rooms in association with a dwelling
The proposed development does not meet the PDC'S stated above and it is my view that the functionality of an envisaged land use should not be compromised by the establishment of a non-envisaged land use.

The proposed development is at variance with the Objectives and Principles of Development Control for the Residential Zone.

*Bruce Street entrance into Eudunda (Residential Zone)*
Dwelling in Bruce Street across from the subject land
Desired Character
Pattern of Development
New development areas to the north of Eudunda will reinforce and complement the existing character of residential development in Eudunda, which is characterised by traditional country town street pattern and widths with dwellings at low densities that are generally setback from boundaries to allow for will vegetated gardens. Development, particularly to the north, will occur in a logical and staged sequence, expanding the town in a manner that with maturity, development in this area will blend in with the remainder of Eudunda forming a seamless transition between the old and the new. Vacant sites within the existing built up area will be filled in with new housing. The proposed development does not meet the Desired Character requirements.

COUNCIL WIDE-GENERAL SECTION
The Council Wide General provisions provide guidance for development. The provisions generally promote development of a standard and appearance which minimises visual impact on the landscape and doesn't jeopardise the continuance of adjoining land uses.

Generally development should be located and designed to prevent adverse impact and conflict between land uses. Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses considered appropriate for the zone should not be developed or should be designed to minimise any negative impact.

Interface between Land Uses
Principles of Development Control: 1

The Development Plan seeks to ensure that development is located and designed to minimise adverse impact and conflict between land uses and that development should not detrimentally affect the amenity of the locality.

Principles of Development Control
1. Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:
   a) The emission of effluent, odour, smoke, fumes, dust or other airborne pollutants
   b) Noise
   c) Vibration
   d) Electrical interference
   e) Light spill
   f) Glare
   g) Hours of operation
   h) Traffic impacts
Currently, planning policies do not provide any real explicit guidance on the cumulative impacts of renewable energy developments on neighbouring land, so each development is considered on its individual merits and recently there has been much discussion on solar heat island and frost effects, buffers and visual amenity from solar farms. That is why these types of developments are generally envisaged within Council's Primary Production Zone.

**Orderly and Sustainable Development**

The Objectives and Principles of Development Control relate to Orderly and Sustainable development. They seek Orderly and economic development that creates a safe, convenient and pleasant environment in which to live. These provisions require development to occur in an orderly sequence and in a compact form that does not jeopardise the continuance of adjoining authorised land uses or in a manner that does not prejudice the achievement of the provisions of the Development Plan.

**Objectives**

3. Development that does not jeopardise the continuance of adjoining authorised land uses.

4. Development that does not prejudice the achievement of the provisions of the Development Plan.

**Principles of Development Control**

1. Development should not prejudice the development of a zone for its intended purpose.

The principle concern with the development is the fact that it will occupy an area of land given over to residential for a use that is better suited in a Primary Production zone. Above all, development should not prejudice the development of a zone for its intended use. Whilst this impact will not be severe, it is exacerbated by virtue of the site being located in a residential zone and main entrance to Eudunda.

The proposed development does not meet with the above Objectives and Principles of Development Control.

**Landscaping**

**Principles of Development Control 2 (b)**

(b) be oriented towards the street frontage

The applicant has provided an amended landscaping plan which proposes additional landscaping to the periphery of the site which may reduce the visual impact of the proposal when viewed from properties surrounding the subject land.

The applicant has advises the species proposed to the periphery of the site along the boundary will include:

- **Melaleuca lanceolata** Dryland Tree 3-4 metres
- **A tripex nummularia** Oldman Saltbush 2-2.5 metres

It is important to note that a solar panel's absorption of incoming sunlight is fundamental to the production of electrical energy. Thus any landscaping to such a development needs to be low to avoid overshadowing the panels.
Renewable Energy Facilities

Objectives: 1
Principles of Development Control: 1 (a)

Objective 1 states the Development of renewable energy facilities that benefit the environment, the community and the state.

Council’s current Development Plan policies haven’t kept pace with new and more efficient energy infrastructure such as solar farms and there are no policy regarding any separation from neighbouring properties and other sensitive assets. As such the State Government currently has a Discussion paper on proposed changes to renewable energy policy in the Planning and Design Code that is out for public consultation till February 2020.

While the proposed changes cannot be assessed under this application it is anticipated that under the new Planning and Design Code a proposed Solar Farm will be required to meet the following setbacks:

- 500m from conservation areas
- 100m from Township and rural living areas
- 30 m from all neighbouring land.

Currently renewable energy developments are generally anticipated within Council’s Primary Production Zones and as such we need to consider buffers and visual amenity impacts with this proposed development.

Objective 1 of the renewable energy facilities section is met as the proposed development of renewable energy facilities would benefit the environment, the community and the state.

However, the proposal is at odds with the remainder of Objectives and Principles of Development Control.

Siting and Visibility
Principles of Development Control: 8 (b)

(b) along allotment boundaries to provide permanent screening of buildings and structures when viewed from adjoining properties and public roads

The relevant provisions of the Council’s Development Plan require development to be sited and designed to minimise its visual impact on the natural, rural or heritage character of the area. As such I consider that when assessing the visual impact of such a development that it is important to recognise:
That solar arrays require good solar access unaffected by shading. In my view, Siting and Visibility provisions provide the best guidance for the assessment of the visual impact of the proposed development, in particular through the following Principles of Development Control:

1. Development should be sited and designed to minimise its visual impact on the natural, rural or heritage character of the area
2. Areas of high visual or scenic value, particularly rural areas
3. Views from public reserves, tourist routes and walking trails.

While I acknowledge that the solar arrays have a low height in the order of 1.7 to 2.2 metres above natural ground level I believe they are at variance with the above Principles of Development Control.

**Vacant Land**

Whilst the rationale of the applicant outlines the allotment has not been used for residential purposes and has remained vacant without market interest for future residential development it is not my contention that the proposal can exhibit planning merit on that presumption to warrant consent.

While the land has been vacant for a period of time it may be appropriate for the proposal to be accommodated more appropriately in either industrial, or rural zoned areas.

**Referrals**

This Development Application does not trigger any mandatory referrals as listed in Schedule 8, of the Development Regulations 2008.

**Vehicle Access**

Vehicle access to the site is via the existing access point from Three Chain Road and is to remain unchanged. As a result, a referral pursuant to Schedule 8 of the Development Regulations 2008, referral to the Department of Planning, Transport and Infrastructure (DPTI) is not required.

**CONCLUSION**

Council does not dispute that Solar Energy Farms can make a positive impact on the local economy. However, any negative impacts should also be considered and given weight in the assessment process to ensure both the positive and negative local impacts of any development are considered, and that development of one land use or another is not at the expense of another land use.

Assessment of the application on its merits requires application of the relevant Development Plan provisions to the proposed development and regard to the context of the locality in which the subject land is located. It is important to consider that the Development Plan provisions are guides for the assessment of development but are not rules or a statute. Accordingly, each matter needs to be assessed as a planning judgment and therefore a matter of fact and degree.
Section 33(a) of the Act requires the relevant authority (the Council) to assess a development application against the provisions of the relevant-appropriate Development Plan and Section 35(2) specifies that where a development is assessed as being seriously at variance with the Development Plan, it must not be granted.

This report has highlighted that the proposal is at variance with several provisions of the Development Plan, both quantitative and qualitative, as such the proposal is considered to be finely balanced. When provisions of the Development Plan are silent on a particular use, it can be difficult to determine whether or not such a proposal is able to be supported, or should be refused.

The task of the Panel is therefore two fold firstly, it is to consider the proposed development against the provisions of the Development Plan as required by Section 33(1) (a) of the Act.

Second, it must consider whether the development is seriously at variance with the Development Plan as required by Section 35(2) of the Act. Before consent is granted Section 35(2) implicitly requires the planning authority to make an assessment that the development is not seriously at variance with the Development Plan.

In assessing the extent to which the proposed development complies with the provisions of the Development Plan, the Courts have made it clear that one must first distil the overall intent and purpose and desired character of the zone in which it is sought to place the proposed development.

Having done so, one must then proceed to assess the proposal by reference to the provisions in the Development Plan, that is, to weigh the benefits and detriments or the ‘pros and cons’ of the proposed development by reference to the Development Plan.

In doing so, the planning authority must also bear in mind that the Development Plan is ‘a practical code for practical application’.

Whilst I acknowledge that there is certain planning merit in the proposal there are matters that are of concern and variance to the Development Plan. I further acknowledge that there may be argument to support the proposed development.

It isn’t the place of any planning authority, to secure the best possible development but to determine having regard to the Development Plan, whether a proposed development is sufficiently in accordance with the relevant provisions of the plan as to warrant planning consent.

**RECOMMENDATION**

Should the Council Assessment Panel hold the view you have the ability to **refuse** the application as it is at variance with the Development Plan or the Panel can **approve** the application then the (in support option) as produced below would be suitable for adoption.
OPTION A
The Regional Council of Goyder Council Assessment Panel resolves that having regard to
the relevant provisions of the Regional Council of Goyder Development Plan and pursuant
to Section 37 (1) (b) of the Development Act, 1993 that:

1. Pursuant to Section 35 (2) of the Development Act 1993, the proposal is not considered
to be seriously at variance with the relevant provisions of the Regional Council of Goyder
Development Plan, however there is such a departure from the policies that the development
does not warrant consent.

2. Pursuant to Section 33 of the Development Act 1993, Development Application
422/039/19 at Lot 824 Bruce Street, Eudunda for Construction of Solar Panels on ground
mounted framework be **REFUSED** Development Plan Consent because it is considered to
be significantly at variance with the relevant principles of development control in the
Regional Council of Goyder Development Plan for the following reasons:

**Residential Zone**
Objectives 1, 2, 3
Principles of Development Control: 1,3,4,5 (a-c)

**General Section**

**Interface between Land Uses**
Objectives: 1
Principles of Development Control: 2, 5

**Orderly and Sustainable Development**
Objectives: 3, 4
Principles of Development Control: 1, 8

**Siting and Visibility**
Objectives: 1

**REASON:** The development is not consistent with what is envisaged for a Residential Zone

OR

OPTION B
The Regional Council of Goyder Council Assessment Panel resolves that:

Development Application 422/039/19 at Lot 824 Bruce Street, Eudunda for Construction of
Solar Panels on ground mounted framework be **GRANTED** Development Plan Consent
subject to the following conditions:

1. Except where minor amendments may be required by other acts or by conditions
imposed by this application, the development is to be established in strict accordance with
The details and plans submitted in Development Application 422/039/19.

**REASON:** To ensure the proposed development is undertaken in accordance with the approved Plans
ADDITIONAL SUPPORTING PLANNING INFORMATION
CONSTRUCTION OF SOLAR PANELS ON GROUND MOUNTED FRAMEWORK
WITH LANDSCPAING

LOT 824 BRUCE STREET EUDUNDA

Prepared for Carmine Grove Pty Ltd
Report prepared by Adelaide Planning and Development Solutions
Contact Mark Kwiatkowski
Telephone 0499933311
Email Mark@adelaideplanning.com.au
## 1.0 Application Overview

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Carmine Grove Pty Ltd</th>
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<tbody>
<tr>
<td>Address</td>
<td>Lot 824 Bruce Street Eudunda</td>
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<tr>
<td>Description of land</td>
<td>Allotment 824 Certificate of Title 5806/757</td>
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<td>Site area</td>
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<td>Zone</td>
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<td>Policy Area</td>
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<td>Maps</td>
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<td>Existing Land Use</td>
<td>Vacant Land</td>
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<td>Development proposal</td>
<td>Construction of solar panels on ground mounted framework with landscaping.</td>
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<td>Public notification</td>
<td>To be advised by Council</td>
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<td>Relevant Authority</td>
<td>Goyder Council</td>
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<tr>
<td>Contact person</td>
<td>Mr Mark Kwiatkowski</td>
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<tr>
<td></td>
<td>E: <a href="mailto:mark@adelaideplanning.com.au">mark@adelaideplanning.com.au</a></td>
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<td>Ph 049993311</td>
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2.0 Additional response

In response to the meeting onsite with Council Administration on 30 October 2019 additional information has been provided to address matters raised which relate to:

- Land use within the Residential Zone
- Landscaping
- Amenity impacts – siting and visibility
- Renewable Energy Facilities

Additional information including a detailed landscaping plan, details of the proposed civil works proposed and

2.1 Land use within the Residential Zone

The subject land is located within the Residential Zone. Whilst the establishment of renewable energy facilities in the form of Solar PV Panels are not specifically listed as an envisaged form of development within the Residential Zone, Solar PV Panels are not listed as non-complying and therefore should be assessed on the substantive merits of the proposal.

We are of the opinion that the proposal is suitable in this instance given the unique circumstances of the subject land and surrounding development in that:

- Whilst zoned residential, the large underutilised single allotment has been not been used for residential purposes and has remained vacant without market interest for future residential development given the supply of residential land within Eudunda.
- The proposal will result in the loss of one residential allotment for a small scale solar farm which should the need arise can accommodate a dwelling on the site which will provide for adequate separation from the panels and would be able to be development satisfying the qualitative and qualitative provisions of the Development Plan as they relate to residential development.
- Given the proximity of the site to the Industry Zoned land to the east (on the opposite side of 3 Chains Pond Road) there may be future interface issues resulting from any future industrial development on the opposite side of 3 Chain Pond Road. The proposal will act as a buffer between any future industrial development on the adjoining Industrial Zoned land and the established residential area to the west on the opposite side of Bruce Street.
- The natural sloping topography of the land does not lend itself to a future residential development on the site without significant cut and fill into the natural topography of the site which is cost prohibitive for the redevelopment of the site.
The proposal will provide a low impact facility which will have an acceptable impact on the amenity of the adjoining properties which will be explored further in the report.

- The proposal with additional mature landscaping surrounding the subject land will improve the visual amenity of the site when viewed from surrounding properties and when compared with the existing situation will enhance the appearance of the site.
- The panels can be easily decommissioned without resulting in any disfigurement or contamination of the subject land resulting the land not being suitable for residential use and would allow for future development of the land for residential purposes should this be required. In effect, the proposal will be land banking the allotment for future residential development in the next 20 plus years when the solar panels will likely be decommissioned.
- Further, the nature of development does not restrict future development of the land for residential purposes in the areas of the site which aren't being used for Solar PV Panels which can be constructed satisfying the quantitative and qualitative provisions of the Development Plan.

The General section of the Development Plan also contains a suite of policies that encourages the development of renewable energy facilities that benefit the environment, the community and the State (Objective 1 of the Renewable Energy Facilities provisions). Further, the General Section - Renewable Energy Facilities envisages the development of renewable energy facilities in areas that provide opportunity to harvest natural resources for the efficient generation of electricity with location, siting, design and operation which avoid or minimise adverse impacts on the natural environment and other land uses which the proposal satisfies in this instance.

On this basis, for the reasons aforementioned, it is considered that the proposal will result in an appropriate form of development on the subject land.

2.2 Landscaping

An amended landscaping plan has been provided which proposes additional landscaping to the periphery of the site with a width of 5 metres around the property with plantings which will reduce the visual impact of the proposal when viewed from the properties surrounding the subject land. The use of plants which will grow up to 4 metres in height surrounding the site.

The species proposed to the periphery of the site along the boundary to minimise visual impact (as shown in the images below) which include:

- Melaleuca lanceolata Dryland Tree 3 - 4m (at this site)
- Atriplex nummularia Oldman Saltbush 2 -2.5m (at this site)
The species proposed are long living, will result in dense planting and are suitable within the local environment as outlined in the report by environments by design.

Species 1 - *Melaleuca lanceolate* 3 - 4m

Species 2 - *Atriplex nummularia* 2 - 2.5m

It is considered that the proposed landscaping will significantly enhance the appearance of the subject land when compared with the existing site which is void of any landscaping.

Given the low scale nature of the proposed solar panels and the height of the landscaping, the proposal will not be highly visible when viewed from the adjoining residential properties to the west in addition to the existing mature vegetation along the council verge. The existing extensive vegetation along the western boundary of the subject land will not be impacted by the proposal and will result in additional landscaping between the subject land and adjoining properties to the west in addition to the landscaping proposed to the periphery of the site as shown in the images below.
Existing landscaping and view from the opposite side of Bruce Street and view of site when driving out of town.

The proposed amended landscaping is considered suitable on the subject land and will result in the solar panels not being highly visible when viewed from surrounding allotments.
2.3 Amenity impacts – siting and visibility

As shown in the images above, the panels are designed as lightweight structures which in this instance have been designed to be cut into the land where required to minimise any future visual impacts on the subject land or on the locality when compared with the image below. The overall height of the structures will be

Given the low scale nature of the proposed solar panels and the height of the landscaping, the proposal will not be highly visible when viewed from the adjoining residential properties to the west in addition to the existing mature vegetation along the council verge. The existing extensive vegetation along the western boundary of the subject land will not be impacted by the proposal and will result in additional landscaping between the subject land and adjoining properties to the west in addition to the landscaping proposed to the periphery of the site.
The location of the panels as shown in the amended site plan will be located within the middle of the site with substantial landscaping to the boundary of the site.

The solar PV modules have been designed in a consistent manner over the subject land to maximise its efficiency and minimise the visual impact. The overall maximum height of the solar modules will be in the order of 1.7 to 2.2 metres above natural ground level which will also be cut into the ground as per the civil plan to minimise the visual impact of the proposal.

Solar farms as shown in the images below do not cause significant visual impact on allotments and when combined with landscaping result in benign or acceptable impact on the environment. The image below shows a solar farm twice the size of the proposed development and the proposed panels will sit comfortably on the subject land.
The development is designed and located to minimise the potential for adverse impact upon the existing amenity within this locality and to support the continued operation of existing land uses. The positioning of the proposed development towards the perimeter of the township and in proximity to the industry zone allows for appropriate separation from surrounding sensitive land uses. The proposal utilises existing and proposed vegetation along the development site perimeters to mitigate against visual impact concerns beyond the subject land.

Views from the nearest residences located along Bruce Street are interrupted by existing vegetation along the council verge, though not completely obscuring the development. The proposed landscaping in addition to the existing vegetation allows for appropriate separation to assist in reducing overall visual prominence.

The potential for adverse impacts upon the surrounding locality is minimised through the relatively inoffensive nature of the development, which requires little ongoing maintenance and operational activities. The greatest potential for adverse impacts such as noise and dust nuisance are largely limited to that associated with the construction period. Appropriate mitigation measures will be employed by the builders to ensure that the potential for adverse impacts throughout the construction period is suitably minimised.

The proposal will not impact upon the continued use of the adjoining properties, nor the ability of surrounding land uses to achieve the relevant provisions of respective zones. Given the small-scale nature of the proposal in comparison with larger traditional solar farms, the proposal will not necessitate the need for an office or maintenance sheds and other similar structures, and the proposed panels will be positioned onsite to maximise the sloping nature of the land and utilising the orientation of the allotment.

Key mitigation measure to minimise the visual impact of the proposed development is the inclusion of landscape screening to form a ‘buffer zone’ surrounding the site. The visual amenity buffer will result in the solar PV modules being setback behind the buffer zone from parts of the project boundary where in proximity to a residential receptor or potential future receptor and will establish and a landscape screen of vegetation, thereby helping to screen the proposed development when viewed from adjoining land.

It is acknowledged that the overall scale of solar farms makes it difficult to mitigate all visual impacts over a wide area. However, the location of the subject land, the emphasis placed on encouraging renewable energy facilities in suitable areas and the inclusion of both perimeter landscaping and the existing landscaping along the western boundary of the site to the closest sensitive receptors (residential dwellings) will assist in reducing the overall impact to a suitable level.
Visual Impact on the entrance to Eudunda

The issue of impacts on the gateway to Eudunda were raised as a concern in relation to potential visual impacts. As shown in the images below when driving into the Township, the subject land and the panels will not be highly visible due to the location of the existing dwelling on the corner and the existing healthy and mature vegetation.

Existing View from the intersection of Bruce Street and 3 chain ponds road (subject land not visible)

Existing View from the intersection of Worlds End Highway and Industry road (subject land not visible)
Existing View from the entrance to the town (the location of the panels on the subject land not highly visible)

Existing View further to the north from the first entrance sign to the town (the location of the panels on the subject land not highly visible)

Existing View from the intersection of Worlds End Highway and Australia Plains Road (subject land not highly visible)
As shown in the images above, the site whilst being at the entrance to the town is not highly visible due to the existing dwelling and mature healthy vegetation. With the proposed landscaping to the periphery of the site and the low scale design of the panels, the proposal in our opinion will have an acceptable visual impact on the locality when viewed from the north heading into the town.

**Glare impacts from solar PV panels**

In relation to glare impacts from the solar PV panels, a common misconception about solar photovoltaic (PV) panels is that they cause or create glare. Light absorption, rather than reflection, is central to the function of a solar PV panel in order to absorb solar radiation and convert it to electricity. Solar PV panels are constructed of dark-coloured materials and are covered with anti-reflective coatings which reflect as little as two percent of incoming sunlight which is about the same as water and less than soil or even wood.

The solar farm proposed will be using LONGi Mono PERC solar panels which are constructed with anti-reflective, coated tempered glass. Modern PV panels such as that proposed reflect as little as two percent of incoming sunlight. The potential for sun glare is not expected to have any noticeable impact on surrounding dwellings or motorists passing through the landscape.

Further, the proposed landscaping buffer area which acts as a visual buffer zone is proposed in addition to retention of existing vegetation on the Council verge to the west of the subject land will also aid in the reduction of any low-level glare.

### 2.4 Renewable Energy Facilities

A review of the Discussion paper - SA Renewable Energy Code has been undertaken, and the findings of the discussion paper are noted. The discussion paper outlines the proposed framework, timelines and high-level process for developing new renewable energy policies to be included within the Planning and Design Code (Code).

In relation to solar farms, the paper recommends a 100 metre setback from township boundaries and a 30 metre setback from neighbouring land however the suggestions proposed are not legislated and are not contained within the relevant Development Plan provisions of the Goyder Development Plan Consolidated 24 November 2016.

The existing Renewable Energy Facilities provisions do not stipulate setbacks or design measures for solar farms, however seek the development of renewable energy facilities, such as wind farms and ancillary development, in areas that provide opportunity to harvest natural resources for the efficient
generation of electricity and the location, siting, design and operation of renewable energy facilities to avoid or minimise adverse impacts on the natural environment and other land uses.

The proposed panels will be adequately setback and separated to adjoining residential properties by proposed vegetation and existing vacant allotments which are not used for residential properties. Further, the existing vegetation along the Council verge and the roadway provides additional separation between the subject land to the properties to the west of the subject land.

Based on the amended layout proposed, the solar panels at the closest point will be 85 metres from the closest dwelling to the north, 83 metres from the closest dwelling to the south and 86 metres from the closest dwelling to the west.

The subject land and the allotments directly to the north and south of the subject land are vacant and are not used for residential purposes. The dwelling to the north on the corner of Bruce Street and 3 Chain Road is separated from the subject land by a smaller allotment which is vacant and used for grazing. The closest dwelling to the south of the subject land is also separated from the subject large by a large vacant allotment which is not used for residential purposes. The existing vegetation along the Council verge and the roadway in addition to the large front setbacks to the dwellings provides additional separation between the subject land to the properties to the west of the subject land.

As outlined within the supporting planning statement and the response to representations above, we are of the opinion that the proposal results in the development of the subject land which provides an opportunity to harvest natural resources for the efficient generation of electricity and has been located, sited and designed to minimise adverse impacts on the natural environment and other land uses.
3.0 Conclusion

After careful consideration of the proposed development and having regard to the relevant provisions of the Development Plan, the existing underutilised nature of the subject land and the nature of development surrounding the subject land, it is my opinion that the proposal is not seriously at variance with the Goyder Council Development Plan Consolidated 24 November 2016.

The application seeks the construction of a 1 MW solar farm consisting of 20 rows of Solar Photovoltaic (PV) panels each with a length of 80 metres. The rows of Solar PV panels will be spaced 8 metres apart internally and will cover the majority of the site. Further, landscaping is proposed to the periphery of the site to aid in screening the proposal in addition to the existing mature vegetation along the western boundary of the site.

After careful consideration of the proposed development and having regard to all the relevant provisions of the Development Plan, for the reasons aforementioned, it is my opinion, that the application represents an appropriate form of development in the context of the Residential Zone, the general provisions of the Goyder Council Development Plan Consolidated 24 November 2016 and the unique circumstances of the subject land and locality.

For all of the above reasons, we consider the proposal to demonstrate sound performance against the pertinent Development Plan standards. Accordingly, Development Approval for the proposal is warranted.

Please confirm when this proposal will be considered by the Council Assessment Panel and the date and time of the meeting. A representative shall attend at this meeting in support of the proposal. Should you have any queries or require any further information or clarification with any components of this response, please do not hesitate to contact by contacting me by email at mark@adelaideplanning.com.au

Yours Sincerely,

Mark Kwiatkowski MPIA CPP
Director + Principal Urban Planner

Adelaide Planning & Development Solutions - Town Planning Specialists | Planning Private Certifiers
# Cut/Fill Report

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* Value adjusted by cut or fill factor other than 1.0
NOTE:
1. ACTUAL DIMENSIONS AND CLEARANCES MAY VARY SLIGHTLY BASED ON SITE CONDITIONS.
2. ONE ROW OF DC PANELS PER INVERTER.
3. FINAL LOCATION OF SAPN TRANSFORMER TO BE DETERMINED.

LEGEND

PROPOSED PV ARRAY

SECURITY FENCE

SYSTEM SPECIFICATIONS

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<th>DC</th>
<th>121</th>
<th>MW</th>
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<td>420</td>
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<td>SOLIS 50K</td>
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<td>MODULE MODEL</td>
<td>LONGI LRG-72IPH</td>
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FOR INFORMATION

ACE Industries

Lot 824 Bruce Street, Fulham SA 5064
10 MW PV EXPERT SYSTEM
SITE LAYOUT
Ace Microgrid Project - Lot 824 Bruce Street Eudunda South Australia

5/11/2019

Screen Plants Required - Single Row

Request
- Extensive screening vegetation along the boundary to minimise visual impact
- Long living
- Dense planting - area is 5m wide
- Two row buffer

Special Needs
- Nil Recorded

Mean Annual Rainfall = 432mm

Recommend Species

Use 2 species (alternative planting)

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<td>Melaleuca lanceolata</td>
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<tr>
<td>Atriplex nummularia</td>
<td>Oldman Saltbush</td>
<td>2-2.5m (at this site)</td>
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- Plant Spacing = 2m between plants
- Approximate Perimeter Length = 785m
- 5m wide = 2 rows planting
- Seedlings required = 800 plants (400 of each species estimated)

Survival Process Recommend

- Pre grow seedlings in forestry tubes
- Site preparations in June/ July (weed control and Pre dig holes)
- Planting in July
- Tree guard each seedling
- Place dripper system on each plant (gravity fed system)
- Mulch each plant

Notes
- Establishment - Grass controls are essential at the time of planting for good survival and growth. Planting would occur in the Spring of the year after the solar panels are installed.
Species Selected

Photo / Melaleuca lanceolata

Photo - Atriplex nummularia
20/08/2019

Fiona Barr
Development Assessment Manager
Goyder Council

By email: fbarr@goyder.sa.gov.au

Dear Fiona,

Response to representation for Development Application 422/039/19 at Lot 824 Bruce Street, Eudunda

1.0 Introduction

Adelaide Planning and Development Solutions (APDS) have been engaged by the applicant Ace Microgrid Pty Ltd to provide a response to the representations received following the public notification.

In preparing this response, I confirm that I have visited the subject land and locality, had regard to the representations and the relevant provisions of the Goyder Council Development Plan.

This response should be considered in addition to supporting planning statement and the information which was provided as part of the application documentation which considers the majority of the matters raised by the representors.

In response to the representations received, the plans and design of the solar panels have been amended resulting in a single row of 20 Solar Panels which extend north to south along the property following the natural contours of the subject land resulting in increased setbacks to the side boundaries to the east and west of the subject land.

The following response will address the reasons raised in the representation below.

For the reasons I will detail below, I am of the view that the proposal results in a development which warrants Development Plan Consent in its current form.
2.0 Representation

Six representations were received during the public notification period. A number of representors wish to be heard by the Council Assessment Panel.

The table provides details of the name of the representor, their address, whether they wish to be heard and whether they are in favour of the proposal or not supportive of the proposal.

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</tr>
<tr>
<td>Lyndon and Melvin Zerner</td>
<td>89 Bruce Street, Eudunda</td>
<td>No</td>
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<tr>
<td>Mary Morris</td>
<td>1285 Curio Highway, Hampden</td>
<td>Yes</td>
<td>Not in support</td>
</tr>
<tr>
<td>T and W Coop and P Beentjes</td>
<td>73 Bruce Street, Eudunda</td>
<td>No</td>
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<tr>
<td>Amanda Schaefer</td>
<td>35 Hannan Street, Eudunda</td>
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<tr>
<td>Shaun Schutz</td>
<td>79 Bruce Street, Eudunda</td>
<td>Yes</td>
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part of the Environmental Management Plan to identify mitigation measures, primarily aiming to suppress dust for each phase of development.

On this basis, the proposal will not result in the pollution of the land or adjoining properties.

**Chain fencing not appropriate around residential block.**

The proposal includes a 1.8 metre high chain mesh fence which surrounds the subject land as shown in the image below.

When shown in conjunction with the vegetation and when compared with the existing fencing on the subject land, the proposed fencing will result in fencing which is consistent with other open natured fencing in the locality and the vegetation will present an appropriate form of boundary fencing around the subject land.

The proposed fencing and landscaping is consistent with other similar solar farms which have been constructed in South Australia.

**Increased fire risk.**

The subject land is not contained within a general bushfire risk area and will not result in fire risk on the subject land from the proposal.

The Development Plan contains a suite of policies that seek to ensure that buildings and structures are located away from areas that pose an unacceptable risk of bushfires (Hazards provisions).
The proposal will not result in the loss of privacy to adjoining properties when compared with the existing situation and the proposed and existing vegetation will restrict any direct overlooking into habitable rooms or areas of private open space compared with the existing situation.

**Noise and pollution impacts**

Solar PV panels produce minimal noise and are generally silent during the operational phase. The only noise emitted from an operational solar farm would be from the substation and inverters, which can be inaudible with buffer distances to sensitive receivers and where equipment housing are used. There is no noise from inverters at night due to daytime operation of solar panels.

Noise impacts would largely be restricted to the construction phase and these could be managed through mitigation measures.

During plant operations, other minor sources of noise would be from a small number of vehicles accessing the site per day, aeolian and/or corona noise from transmission lines and any intermittent noise from maintenance activities.

The proposal once constructed will not result in any detrimental impacts in terms of noise. All noise emissions during both construction and operational phases will meet the Environment Protection (Noise) Policy 2017 and will not cause any unreasonable impacts upon adjoining landowners.

The panels do not operate at night-time so there will not be any noise impacts to adjoining properties during the evening and based on the analysis of noise of other solar farms, any noise from the inverter will meet the Environment Protection (Noise) Policy 2017. The proposed landscape buffer and distance of the proposal from adjoining residential properties will also aid in minimising any noise impacts during the day.

The proposal may have the potential to generate dust during construction from minor earthworks, construction vehicles driving on the site and wind blowing over stockpiles and exposed surfaces during construction and decommissioning. Any impacts due to the generation of dust would be short term. A dust management plan should be prepared as
Key mitigation measure to minimise the visual impact of the proposed development is the inclusion of landscape screening to form a ‘buffer zone’ surrounding the site. The visual amenity buffer will result in the solar PV modules being setback behind the buffer zone from parts of the project boundary where in proximity to a residential receptor or potential future receptor and will establish and a landscape screen of vegetation, thereby helping to screen the proposed development when viewed from adjoining land.

It is acknowledged that the overall scale of solar farms makes it difficult to mitigate all visual impacts over a wide area. However, the location of the subject land, the emphasis placed on encouraging renewable energy facilities in suitable areas and the inclusion of both perimeter landscaping and the existing landscaping along the western boundary of the site to the closest sensitive receptors (residential dwellings) will assist in reducing the overall impact to a suitable level.

**Too close to adjoining dwellings and impacts on privacy.**

The proposed panels will be adequately setback and separated to adjoining residential properties by proposed vegetation and existing vacant allotments which are not used for residential properties. Further, the existing vegetation along the Council verge and the roadway provides additional separation between the subject land to the properties to the west of the subject land.

Based on the amended layout proposed, the solar panels at the closest point will be 85 metres from the closest dwelling to the north, 83 metres from the closest dwelling to the south and 86 metres from the closest dwelling to the west.

The subject land and the allotments directly to the north and south of the subject land are vacant and are not used for residential purposes. The dwelling to the north on the corner of Bruce Street and 3 Chain Road is separated from the subject land by a smaller allotment which is vacant and used for grazing. The closest dwelling to the south of the subject land is also separated from the subject large by a large vacant allotment which is not used for residential purposes. The existing vegetation along the Council verge and the roadway in addition to the large front setbacks to the dwellings provides additional separation between the subject land to the properties to the west of the subject land.
Heat build-up within the solar farm will be minimised by installation of efficient PV panels to transmit more of the incident solar energy out if the site as electricity. A proposed vegetation buffer may assist with cooling of the solar farm due to transpiration, however it may also reduce cooling winds across the panels during the day.

On balance the impact on heat build-up within the array will vary from a tendency to increase or decrease depending on the particular conditions at a particular time. However, the proposed vegetation buffer will reduce impacts of radiation to the surrounding area in all conditions.

Whilst decreasing heat build-up will be important to the operator of the solar farm, as PV output reduces as temperature of the panels increase, for neighbours the major issue will be to reduce the potential for heat transmission out of the solar farm into neighbouring properties.

The effective strategy used for other solar farms to mitigate heat transmission out of the solar farm is to provide a buffer of vegetation surrounding the solar farm which will effectively stop heat transmission to neighbouring properties.

Given the distances of the amended panels from adjoining residential properties and the vegetation buffers proposed around the site in conjunction with the relatively small scale nature of the solar farm will result in an acceptable impact in terms of heat impacts from the solar PV panels.

**Appearance / visual impact on landscape character.**

The solar PV modules have been designed in a consistent manner over the subject land to maximise its efficiency and minimise its visual impact. The overall maximum height of the solar modules will be in the order of 2.3m to 2.6m metres above natural ground level and the and the pile height will be 1.3m to 1.6m as shown on the plans.

Given the small-scale nature of the proposal in comparison with larger traditional solar farms, the proposal will not necessitate the need for an office or maintenance sheds and other similar structures, and the proposed panels will be positioned onsite to maximise the sloping nature of the land and utilising the orientation of the allotment.
light to pass through the silicon and minimize reflection. In fact, what causes the dark appearance of PV panels (e.g., dark blue, black) is the fact that monocrystalline wafers, the main component of PV modules, are combined with anti-reflective coatings to maximize absorption.

In addition to the anti-reflective coatings, the surfaces of PV panels are roughened, a process called "stippling." Stippled surfaces—sometimes referred to as "dimpled" surfaces—will diffuse reflection) and thus eliminate glare. "The basic concept behind stippling is for the surfaces of the glass to be textured with small types of indentations. As a result, stippling allows more light energy to be channelled/transmitted through the glass while diffusing the reflected light energy.

The solar farm proposed will be using LONGi Mono PERC solar panels which are constructed with anti-reflective, coated tempered glass. Modern PV panels such as that proposed reflect as little as two percent of incoming sunlight. The potential for sun glare is not expected to have any noticeable impact on surrounding dwellings or motorists passing through the landscape.

Further, the proposed landscaping buffer area which acts as a visual buffer zone is proposed in addition to retention of existing vegetation on the Council verge to the west of the subject land will also aid in the reduction of any low-level glare.

**Heat impacts from solar PV panels**

In relation to heat impacts of solar PV panels, no evidence has been provided by the representors in support of this suggestion.

From an evidence-based approach, there have been several peer-reviewed studies which identify that heat island effect is not applicable to solar farms and that natural convection will take any warm air upward and not towards adjoining properties.

There are a number of options to reduce heat build-up within the solar farm and reduce transmission of any heat that is retained into neighbouring properties.
Glare impacts from solar PV panels

In relation to glare impacts from the solar PV panels, a common misconception about solar photovoltaic (PV) panels is that they cause or create glare. Light absorption, rather than reflection, is central to the function of a solar PV panel in order to absorb solar radiation and convert it to electricity. Solar PV panels are constructed of dark-coloured materials and are covered with anti-reflective coatings which reflect as little as two percent of incoming sunlight which is about the same as water and less than soil or even wood.

A report by Roger D. Colton in relation to 'Assessing Rooftop Solar PV Glare in Dense Urban Residential Neighbourhoods; Determining Whether and How Much of a Problem' has considered this matter and concludes that:

A substantial growth in solar photovoltaic (PV) energy production has given rise to concerns amongst some of the impact of glint and glare on surrounding properties, particularly in dense urban residential neighbourhoods. This discussion finds that rooftop solar PV panels are unlikely to generate substantial glare. It further concludes that glare is unlikely to be a problem to immediate abutters in an urban neighbourhood.

Further, the report provides the following commentary on the matter:

Glare is caused by reflected sunlight. The purpose of solar panels is to convert sunlight into electricity. By design, therefore, solar PV panels do not reflect substantial amounts of sunlight. Since sunlight will not produce electricity if reflected to the extent that sunlight is reflected, PV panels lose their capacity to generate electricity.

In general, since the whole concept of efficient solar power is to absorb as much light as possible, while reflecting as little light as possible, standard solar panels produce less glare and reflection than does standard window glass. On a more technical level, solar panels use "high transmission, low iron glass" which absorbs more light, producing smaller amounts of glare and reflectance than normal glass does.

Certain design attributes of PV panels increase the absorption of light by, and reduce reflection from, solar PV panels. Initially, anti-reflective coatings on PV panels reduce the reflection of sunlight for PV panels and use silicon to convert sunlight to electricity. Since silicon is naturally reflective, all PV panels are coated with anti-reflective materials that allow
The proposal will act as a buffer between any future industrial development on the adjoining Industrial Zoned land and the established residential area to the west on the opposite side of Bruce Street with minimal impacts to adjoining residential properties.

The natural sloping topography of the land does not lend itself to a future residential development on the site without significant cut and fill into the natural topography and access issues to the site which is cost prohibitive for the redevelopment of the site and will also result in the disfigurement of the site.

The proposal will provide a low impact facility which will have an acceptable impact on the amenity of the adjoining properties.

The proposal with additional mature landscaping surrounding the subject land will improve the visual amenity of the site when viewed from surrounding properties and when compared with the existing situation, will enhance the appearance of the site.

The panels can be easily decommissioned without resulting in any disfigurement or contamination of the subject land resulting the land not being suitable for residential use and would allow for future development of the land for residential purposes should this be required.

Further, the nature of development does not restrict future development of the land for residential purposes in the areas of the site which aren’t being used for Solar PV Panels which can be constructed satisfying the quantitative and qualitative provisions of the Development Plan.

The General section of the Development Plan also contains a suite of policies that encourages the development of renewable energy facilities that benefit the environment, the community and the State (Objective 1 of the Renewable Energy Facilities provisions). Further, the General Section - Renewable Energy Facilities envisages the development of renewable energy facilities in areas that provide opportunity to harvest natural resources for the efficient generation of electricity with location, siting, design and operation which avoid or minimise adverse impacts on the natural environment and other land uses which the proposal satisfies in this instance.

On this basis, for the reasons aforementioned, it is considered that the proposal will result in an appropriate form of development on the subject land.
3.0 Consideration of representations

Having reviewed the representation, the concerns raised in the representation specifically relate to:

- Residential Zoning of land not appropriate for solar panels.
- Glare impact from solar PV panels.
- Heat impacts from solar PV panels.
- Appearance / visual impact on landscape character.
- Too close to dwellings and impacts on privacy.
- Noise and pollution impacts.
- Chain fencing not appropriate around residential block.
- Increased fire risk.
- Rainfall causing erosion and flooding issues.
- Trees that are stipulated in the application are on Council Land.
- Devalue property values.
- Discussion paper (SA Renewable Energy Code) envisages solar panels outside of township zones and recommends buffers between solar installations and townships.

We respond accordingly:

Residential Zoning of land not appropriate for solar panels

The subject land is located within the Residential Zone. Whilst the establishment of renewable energy facilities in the form of Solar PV Panels are not specifically listed as an envisaged form of development within the Zone, Solar PV Panels are not listed as non-complying and therefore should be assessed on the substantive merits of the proposal.

We are of the opinion that the proposal is suitable in this instance given the unique circumstances of the subject land and surrounding development in that:

- Whilst zoned residential, the large underutilised allotment has not been used for residential purposes and has remained vacant without market interest for future residential development given the supply of residential land within Eudunda.
As part of the safe design of solar farms the Solar Panels and inverters have been designed to minimise any potential impacts through safety mechanisms which aid in protection against overcurrent, insulation faults, lightning, overvoltage and fire.

When designing the electrical installation of a solar farm the designer must ensure the installation is designed to be electrically safe and ensure that:

- electrical equipment specified for installation and use at the solar farm complies with relevant safety standards
- the design of the electrical installation complies with AS/NZS 3000 Electrical Installations [AS/NZS 3000 (the wiring rules)]
- where applicable, the design of the electrical installation complies with any other relevant Australian

PV installations shade the ground, reducing heat absorption on the ground, making it cooler. The panels are designed to remove energy, reducing the amount of heat in the local area and as technology improves panels become more efficient at doing this. The panels are thin and lightweight, have relatively little heat retention capacity and cool quickly once the sun goes down, with any residual heat quickly dissipated into the air by natural convection.

Nevertheless, the proposal includes a buffer between the site boundary and the solar arrays which will ensure there is adequate separation between the proposed panels and the adjoining residential properties.

Further, during the operation and maintenance phase of a solar farm, the operators continue to have duties to ensure, so far as reasonably practicable, the solar farm does not pose a risk to the health and safety of people, property and livestock.

On this basis, the proposal will not result in a development which will create additional unacceptable impacts in terms of hazards.
Rainfall causing erosion and flooding issues.

The proposal will not result in any additional impacts in terms of rainfall and flooding when compared with the existing situation. Any water falling on the subject land will be soaked up by the subject land. Further, the proposed landscaping to the periphery of the site will capture any water or erosion compared with the existing situation.

Trees that are stipulated in the application are on Council Land.

The proposal includes a landscaping buffer between the proposed panels and the boundary fencing as shown on the application plans to the periphery of the site.

The existing extensive vegetation along the western boundary of the subject land will not be impacted by the proposal and will result in additional landscaping between the subject land and adjoining properties to the west in addition to the landscaping proposed to the periphery of the site.

Devalue property values.

The issue of property values is often a matter raised by parties in dispute as to the merits of a proposed development. It is not, however, a matter the ERD Court or Council Assessment Panels entertain and certainly not in the absence of any expert advice or documentation. No evidence, nor any expert opinion, was produced to support the representor’s concerns.

Discussion paper (SA Renewable Energy Code) envisages solar panels outside of township zones and recommends buffers between solar installations and townships.

A review of the Discussion paper - SA Renewable Energy Code has been undertaken, and the findings of the discussion paper are noted. The discussion paper outlines the proposed framework, timelines and high-level process for developing new renewable energy policies to be included within the Planning and Design Code (Code).

In relation to solar farms, the paper recommends a 100 metre setback from township boundaries and a 30 metre setback from neighbouring land however the suggestions proposed are not legislated and are not contained within the relevant Development Plan provisions of the Goyder Development Plan Consolidated 24 November 2016.
The existing Renewable Energy Facilities provisions do not stipulate setbacks or design measures for solar farms, however seek the development of renewable energy facilities, such as wind farms and ancillary development, in areas that provide opportunity to harvest natural resources for the efficient generation of electricity and the location, siting, design and operation of renewable energy facilities to avoid or minimise adverse impacts on the natural environment and other land uses.

As outlined within the supporting planning statement and the response to representations above, we are of the opinion that the proposal results in the development of the subject land which provides an opportunity to harvest natural resources for the efficient generation of electricity and has been located, sited and designed to minimise adverse impacts on the natural environment and other land uses.

4.0 Conclusion

After careful consideration of the proposed development and having regard to the relevant provisions of the Development Plan, the existing underutilised nature of the subject land and the nature of development surrounding the subject land, it is my opinion that the proposal is not seriously at variance with the Goyder Council Development Plan Consolidated 24 November 2016.

The application seeks the construction of a 1 MW solar farm consisting of 20 rows of Solar Photovoltaic (PV) panels each with an approximate length of 80 metres. The rows of Solar PV panels will be spaced 8.2 metres apart internally and will cover the majority of the site. Further, landscaping is proposed to the periphery of the site to aid in screening the proposal in addition to the existing mature vegetation along the western boundary of the site.

Having regard to all the relevant provisions of the Development Plan, for the reasons aforementioned, it is my opinion, that the application represents an appropriate form of development in the context of the Residential Zone, the general provisions of the Goyder Council Development Plan Consolidated 24 November 2016 and the unique circumstances of the subject land and locality.

For all of the above reasons, we consider the proposal to demonstrate sound performance against the pertinent Development Plan standards. Accordingly, Development Approval for the proposal is warranted.
Please confirm when this proposal will be considered by the Council Assessment Panel and the date and time of the meeting. A representative shall attend at this meeting in support of the proposal.

Should you have any queries or require any further information or clarification with any components of this response, please do not hesitate to contact by contacting me by email at mark@adelaideplanning.com.au

Yours Sincerely,

Mark Kwiatkowski MPIA CPP
Principal Urban Planner

Adelaide Planning & Development Solutions - Town Planning Specialists | Planning Private Certifiers
SUPPORTING PLANNING STATEMENT

CONSTRUCTION OF SOLAR PANELS ON GROUND MOUNTED FRAMEWORK

LOT 824 BRUCE STREET EUDUNDA

Prepared for Carmine Grove Pty Ltd

Report prepared by Adelaide Planning and Development Solutions

Contact Mark Kwialkowski

Telephone 0499933311

Email Mark@adelaideplanning.com.au
SUPPORTING PLANNING STATEMENT

Lead Consultant
ADELAIDE PLANNING AND DEVELOPMENT SOLUTIONS

In association with
Carmine Grove Pty Ltd

Project Manager
Mr Mark Kwiatkowski
Ph 0499933311
Email: mark@adelaidplanning.com.au

Document History and Status

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<td>Mark Kwiatkowski, APDS</td>
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APDS – www.adelaideplanning.com.au
1.0 Application Overview

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<td>Address</td>
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<td>Description of land</td>
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<td>Contact person</td>
<td>Mr Mark Kwatkowski E: <a href="mailto:mark@adelaideplanning.com.au">mark@adelaideplanning.com.au</a> Ph 0499933111</td>
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2.0 Introduction

This Planning Statement has been prepared by Adelaide Planning and Development Solutions (APDS) on behalf Carmine Grove Pty Ltd.

Pursuant to Maps MAP Go/11, the subject land is located within the Residential Zone of the Goyder Council Development Plan Consolidated 24 November 2016.

The proposal constitutes a 'consent on merit' form of development in the Residential Zone.

In preparing this Statement of support, I can confirm that I have reviewed the proposal plans prepared by Ace Microgrid along with the most pertinent provisions of the Goyder Council Development Plan Consolidated 24 November 2016.

I have also inspected the subject land and locality.
3.0 Subject Land and Locality

3.1 Subject Land

The subject site is located at lot 824 Bruce Street, Eudunda.

The existing allotment is a large vacant allotment with a site area of approximately 3.67 Hectares in size. The site has a frontage of approximately 210 metres to Bruce Street and 210 metres to 3 Chain Road.

The subject land contains no vegetation of significance on the site, however there is extensive vegetation along the council verge to the west of the subject land with the interface to Bruce Street and the adjoining residential land to the west.

Access to the site is from 3 chain Road in the north eastern corner of the site.

The site has a downwards slope from the south to the north and further slope from the middle of the site to the eastern and western boundaries.
The site is not highly visible when entering the township of Eudunda due to the existing dwelling on the corner of Bruce Street and 3 Chain Road which blocks views.

Further, the mature vegetation along Bruce Street in the Council Verge blocks the view of the subject land when viewed from adjoining residential properties to the west of the subject land as shown in figures 2 and 3 below.

Figure 2 and 3. View of the site from intersection Bruce Street and 3 Chain Road and along Bruce Street
3.2 Locality

The locality consists of three distinct characters - one of a residential nature, one of light industrial nature and one of a rural / primary production nature.

The allotments to the east are zoned industry and are currently used for primary production purposes with the exception of an allotment to the north east which is used for manufacturing which contains a large shed with ancillary parking.

The allotments to the west of the subject land on the opposite side of Bruce Street contain single storey detached dwellings on medium to large sized allotments.

Whilst being in the residential zone, the subject land and the allotments directly to the north and south of the subject land are vacant and are not used for residential purposes. A detached dwelling is located to the north of the vacant allotment to the north on the corner of Bruce Street and 3 Chain Road and there are further allotments to the south of the large vacant allotment which are used for residential purposes.

The amenity level of the locality is considered to be low principally due to the underutilised land comprising the subject site and industrial nature of nearby sites to the east, and the traffic volumes of the road environment.
4.0 Planning Assessment

4.1 Nature of Development

The application seeks the construction of a 1 MW solar farm consisting of the following:

- 20 rows of Solar Photovoltaic (PV) panels are proposed with a length of 90 metres as shown on the site plan. The width of a single panel is 991 mm which will be mounted into the ground. The rows of Solar PV panels will be spaced 8 metres apart internally. Due to the irregular shape of the allotment, the closest row of panels will be 4.25 metres from the western boundary and 9.61 metres from the eastern boundary. The panels will also be positioned 13 metres from the northern boundary at the closest point and 7.62 metres from the southern boundary at the closest point.
- The solar farm will be using LONGi Mono PERC solar panels which are constructed with anti-reflective, coated tempered glass. Modern PV panels such as that proposed reflect as little as two percent of incoming sunlight. The potential for sun glare is not expected to have any noticeable impact on surrounding dwellings or motorists passing through the landscape.
- The Solar PV Panels will be mounted on steel frames with a height above ground level of between 1.7 metres to a maximum height of 2 metres.
- A transformer and Low Voltage Switchboard will be located in the north eastern corner of the subject land.
- Visual buffering in the form of landscape screening along all boundaries of the subject land with mature species.
- A 1.8-metre-high chain mesh perimeter fencing surrounding the subject land (not development)
- Access to the site will retain the existing access point in the north eastern corner of the allotment.
- In terms of the process of power transfer from the panels to the inverter / LV Switchboard and transformer - DC cables will be connected between panels and inverters' input. AC cables coming out from inverters will be connected to LV Switchboard and transformer with the voltage stepped up to 11 kV to connect to overhead powerlines. The power will be connected to the overhead powerlines nearby the property to export electricity to the grid. All cables between the transformer and the SAPN feeder will be running underground.
4.2 Kind of Development

Pursuant to Maps MAP Go/11, the subject land is located within the Residential Zone of the Goyder Council Development Plan Consolidated 24 November 2016.

The proposal constitutes a 'consent on merit' form of development in the Residential Zone.

In my view, whilst not identified as an envisaged land use within the Residential Zone, the proposal is acceptable when balanced against all the relevant provisions of the Development Plan, the longstanding vacant nature of the site and proximity to Industrial land, and the intent of the relevant provisions of the General Section of the Development Plan.

This will be explored within the content of this report.

4.3 Development Plan Assessment

We have considered the most relevant provisions of the Zone with respect to its intent as well as the relevant general section provisions. As noted previously, the subject land is located within the Residential Zone.

In this assessment, we address matters relating to land use, interface between land uses, built form / design and appearance, traffic / parking and orderly and sustainable development.

4.3.1 Land use

The subject land is located within the Residential Zone. Whilst the establishment of renewable energy facilities in the form of Solar PV Panels are not specifically listed as an envisaged form of development within the Zone, Solar PV Panels are not listed as non-complying and therefore should be assessed on the substantive merits of the proposal.

We are of the opinion that the proposal is suitable in this instance given the unique circumstances of the subject land and surrounding development in that:

- Whilst zoned residential, the large underutilised allotment has been not been used for residential purposes and has remained vacant without market interest for future residential development given the supply of residential land within Eudunda.
- Given the proximity of the site to the Industry Zoned land to the east (on the opposite side of 3 Chains Pond Road) there may be future interface issues resulting from any future industrial development on the opposite side of 3 Chain Pond Road.
Further, the proposal will act as a buffer between any future industrial development on the adjoining Industrial Zoned land and the established residential area to the west on the opposite side of Bruce Street.

The natural sloping topography of the land does not lend itself to a future residential development on the site without significant cut and fill into the natural topography of the site which is cost prohibitive for the redevelopment of the site and will also result in the disfigurement of the site.

The proposal will provide a low impact facility which will have an acceptable impact on the amenity of the adjoining properties which will be explored further in the report.

The proposal with additional mature landscaping surrounding the subject land will improve the visual amenity of the site when viewed from surrounding properties and when compared with the existing situation will enhance the appearance of the site.

The panels can be easily decommissioned without resulting in any disfigurement or contamination of the subject land resulting the land not being suitable for residential use and would allow for future development of the land for residential purposes should this be required.

Further, the nature of development does not restrict future development of the land for residential purposes in the areas of the site which aren’t being used for Solar PV Panels which can be constructed satisfying the quantitative and qualitative provisions of the Development Plan.

The General section of the Development Plan also contains a suite of policies that encourages the development of renewable energy facilities that benefit the environment, the community and the State (Objective 1 of the Renewable Energy Facilities provisions). Further, the General Section - Renewable Energy Facilities envisages the development of renewable energy facilities in areas that provide opportunity to harvest natural resources for the efficient generation of electricity with location, siting, design and operation which avoid or minimise adverse impacts on the natural environment and other land uses which the proposal satisfies in this instance.

On this basis, for the reasons aforementioned, it is considered that the proposal will result in an appropriate form of development on the subject land.

4.3.2 Built form / design and appearance

The general provisions within the Development Plan contain a number of policies that encourage renewal energy facilities to be located, sited, designed and operated to minimise adverse impacts on the natural environment and other land uses (Obj 2- Renewal Energy Facilities).
The solar PV modules have been designed in a consistent manner over the subject land to maximise its efficiency and minimise its visual impact. The overall maximum height of the solar modules will be in the order of 1.7 metres to 2.0 metres above natural ground level depending on the final design and layouts of the panels.

Given the small-scale nature of the proposal in comparison with larger traditional solar farms, the proposal will not necessitate the need for an office or maintenance sheds and other similar structures, and the proposed panels will be positioned onsite to maximise the sloping nature of the land and utilising the orientation of the allotment.

Key mitigation measure to minimise the visual impact of the proposed development is the inclusion of landscape screening to form a ‘buffer zone’ surrounding the site. The visual amenity buffer will result in the solar PV modules being setback behind the buffer zone from parts of the project boundary where in proximity to a residential receptor or potential future receptor and will establish and a landscape screen of vegetation, thereby helping to screen the proposed development when viewed from adjoining land.

It is acknowledged that the overall scale of solar farms makes it difficult to mitigate all visual impacts over a wide area. However, the location of the subject land, the emphasis placed on encouraging renewable energy facilities in suitable areas and the inclusion of both perimeter landscaping and the existing landscaping along the western boundary of the site to the closest sensitive receptors (residential dwellings) will assist in reducing the overall impact to a suitable level.

4.3.3 Interface with land uses

The Development Plan seeks to ensure that development is located and designed to minimise adverse impact and conflict between land uses and that development should not detrimentally affect the amenity of the locality (Obj 1-2, PDC 1-2 Interface Between Land Uses provisions). More so, development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants
(b) noise
(c) vibration
(d) electrical interference
(e) light spill
(f) glare
(g) hours of operation
(h) traffic impacts.
The proposal once constructed will not result in any detrimental impacts in terms of noise. All noise emissions during both construction and operational phases will meet the Environment Protection (Noise) Policy 2017 and will not cause any unreasonable impacts upon adjoining landowners. The panels do not operate at night-time so there will not be any noise impacts to adjoining properties during the evening and based on the analysis of noise of other solar farms, any noise from the Inverter will meet the Environment Protection (Noise) Policy 2017. The proposed landscape buffer and distance of the proposal from adjoining residential properties will also aid in minimising any noise impacts during the day.

In terms of potential glare from the panels, the solar farm will be using LONGi Mono PERC solar panels which are constructed with anti-reflective, coated tempered glass. Modern PV panels such as that proposed reflect as little as two percent of incoming sunlight. The potential for sun glare is not expected to have any noticeable impact on surrounding dwellings or motorists passing through the locality.

In terms of traffic impacts, the that anticipated traffic volumes will be highest during the construction phase of the development with traffic volumes during the operation stage to be minimal. Whilst no formal parking area has been provided on site, there is sufficient area on the site to allow for parking of vehicles and the proposal will utilise the existing access from 3 Chain Road.

Although it is recognised that solar PV modules do not produce any significant air quality concerns, internal access roads and specifically construction activities have the greatest potential for air pollution. The operators will manage dust along with a broad range of other matters, including noise, erosion and stormwater management, waste management, storage and handling of hazardous substances and other regulatory requirements during construction.

It is considered that the proposed development satisfies the requirements of the Development Plan in relation to interface matters and will not prejudice the continuation of other existing adjoining residential, primary production or industrial land uses, impact upon drivers, or living conditions within nearby dwellings in the locality.
4.3.5 Transportation, access and parking

The Development Plan seeks to ensure direct, safe and convenient access is provided for development that avoids unreasonable interference with the flow of traffic on adjoining roads, provides appropriate separation distances from existing roads, and is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties (Obj 2, PDC 6, 23 Transportation and Access provisions).

Anticipated traffic volumes will be highest during the Project’s construction while operational traffic volumes are expected to be minimal. The traffic generated by the Project during the construction and operational phases is not expected to compromise the safety or function of the surrounding road network and the traffic generated by the proposed project area during the construction and operational phases is not expected to compromise the safety or function of the local roads that experience low volumes of traffic.

Once operational, access to the site, when required, will be through the existing access point from 3 Chain Road and once constructed, whilst no formal parking area has been provided on site, there is sufficient area on the site to allow for parking of vehicles. It is considered that the subject land is more than capable of providing sufficient car parks on-site.

4.3.6 Stormwater Management

The Objectives and Principles of Development Control relate to Stormwater Management seek development to be sited and designed to capture and re-use stormwater, where practical, minimise surface water runoff, prevent soil erosion and water pollution, protect and enhance natural water flows, protect water quality by providing adequate separation distances from watercourses and other water bodies, not contribute to an increase in salinity levels, avoid the water logging of soil or the release of toxic elements and maintain natural hydrological systems and not adversely affect groundwater.

The subject land does not currently contain any structures with stormwater managed by natural infiltration. The proposed development will include rows of solar PV modules and the spacing’s between these solar arrays will remain sealed. This will ensure that the post development scenario will be able to suitably manage stormwater disposal in a manner consistent with that currently occurring.

There will not be an increase in any sealed/non-pervious areas on the site as a result of the proposal and the existing natural drainage will not result in an increase in stormwater into adjoining properties or road reserves than what is currently experienced.
4.3.7 Orderly and Sustainable Development

The Objectives and Principles of Development Control relate to Orderly and Sustainable development seek Orderly and economic development that creates a safe, convenient and pleasant environment in which to live, development that does not jeopardise the continuance of adjoining authorised land uses and development that does not prejudice the achievement of the provisions of the Development Plan. Further the provisions encourage vacant or underutilised land to be developed in an efficient and co-ordinated manner to not prejudice the orderly development of adjacent land.

In respect of orderly and sustainable development considerations, it is considered that the proposed development is orderly and economic in that it is contained on an existing vacant and underutilised site. The site will utilise the existing facilities and services to the site (power, sewer etc) and will not jeopardise the continuance of the adjoining residential / industrial and Primary Production land uses adjoining the site.

The proposal does not prejudice the zone for its intended purpose as outlined in the above land use assessment. The proposed development on the existing allotment will result in an efficient use of the land with the development of solar panels which have been designed and sited onsite to minimise impacts on adjoining properties.

On this basis, we contend that the proposal results in an orderly and sustainable development.

4.3.8 Waste

The relevant Objectives and Principles of Development Control relating to waste seek Development to should be sited and designed to prevent or minimise the generation of waste (including wastewater) by applying the following waste management hierarchy in the order of priority as shown below:

(a) avoiding the production of waste
(b) minimising waste production
(c) reusing waste
(d) recycling waste
(e) recovering part of the waste for re-use
(f) treating waste to reduce the potentially degrading impacts
(g) disposing of waste in an environmentally sound manner.
The construction of a solar farm will generate waste streams from the packaging of solar panels and various equipment and cabling products. These materials will be appropriately collected, stored, secured and disposed of to minimise any off-site impacts and then recovered or recycled to achieve a high level of sustainable practice.

On this basis the proposal satisfies the above intent of the Development Plan relating to Waste.

5.0 Conclusion

After careful consideration of the proposed development and having regard to the relevant provisions of the Development Plan, the existing underutilised nature of the subject land and the nature of development surrounding the subject land, it is my opinion that the proposal is not seriously at variance with the Goyder Council Development Plan Consolidated 24 November 2016.

The application seeks the construction of a 1 MW solar farm consisting of 20 rows of Solar Photovoltaic (PV) panels each with a length of 90 metres. The rows of Solar PV panels will be spaced 8 metres apart internally and will cover the majority of the site. Further, landscaping is proposed to the periphery of the site to aid in screening the proposal in addition to the existing mature vegetation along the western boundary of the site.

The key assessment outcomes in considering the appropriateness of the development in the Residential Zone of the Goyder Council Development Plan are:

- Establishes a renewable energy facility in an appropriate location
- The development utilises predominately cleared land used which is not currently used for residential purposes
- The design of the development seeks to limits impacts to existing flora and fauna.
- The proposal incorporates an additional landscaped buffer area around the perimeter of the subject land to improve the overall visual amenity and reduce external impacts.
- Safe access can be established to / from the project area.
- Will create locally based employment (especially during construction).
- Dust, erosion and stormwater would be suitably managed by the builders / operators.
- Visual impacts are low and acceptable in the context of the site.
- Will have a negligible impact on existing or future adjoining land uses
- Will not cause a glare hazard to drivers or to adjoining dwellings.
After careful consideration of the proposed development and having regard to the relevant provisions of the Development Plan, it is my opinion, that the application represents an appropriate form of development in the context of the Residential Zone, the general provisions of the Goyder Council Development Plan and the unique circumstances of the subject land and locality.

For all the above reasons, we consider the proposal to demonstrate sound performance against the pertinent Development Plan standards. Accordingly, Development Plan Consent is warranted.

If you have any further questions regarding this application or require additional information, please contact me on 0499 933 311.

Yours Sincerely,

[Signature]

Mark Kwiatkowski MPIA CPP
Director/ Urban and Regional Planner
Adelaide Planning & Development Solutions Pty Ltd - Town Planning Specialists - Planning Private Certifiers
## Regional Council of Goyder

1 Market Square, Burra, South Australia 5417  (W): www.goyder.sa.gov.au
(P): (08) 8892 0100    (F): (08) 8892 2467   (E): council@goyder.sa.gov.au

## DEVELOPMENT APPLICATION FORM

<table>
<thead>
<tr>
<th>Development Application No.:</th>
<th>422 / 039 / 19</th>
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<tr>
<td>Date:</td>
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### APPLICANT:

- **Name:** Ace Microgrid Pty Ltd
- **Postal Address:** 103 King William Street, Kent Town SA 5067

### OWNER:

- **Name:** Carmine Grove Pty Ltd
- **Postal Address:** 189 Fullarton Road, Dulwich SA 5065

### BUILDER:

- **Name:** Green Gold Energy Pty Ltd
- **Postal Address:** PO BOX 3560 Norwood SA
- **License No.:** PGE291738

### CONTACT PERSON:

- **Name:** Ray Liu
- **Postal Address:** 103 King William Street, Kent Town SA 5067
- **Mobile:** 0435 831 158
- **Email:** projects@acemicrogrid.com.au

### LOCATION OF PROPOSED DEVELOPMENT:

- **Street No.:** 103
- **Street:** BRUCE STREET
- **Suburb:** EUDUNDA
- **Sec No.:** Lot No.: 824
- **Hundred:** NEALS
- **Volume No.:** Folio No.: Ass. No.: A9160

### DEVELOPMENT DETAILS (must be filled out to be accepted)

- **Development Cost (GST Inclusive, exclude fit-out cost):** $500,000.00
- **Floor Area (m²):**

### NATURE OF PROPOSED DEVELOPMENT (i.e. shed, dwelling, alterations and additions to dwelling, change of use, etc.)

- Solar panels on ground mounted framework

### CURRENT LAND USE (i.e residential, retail, office, vacant land, etc.)

- Residential

### DOCUMENTS TO BE SUPPLIED WITH APPLICATION

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DECLARATION (pursuant to Clause 2A of Schedule 5 Building Safely Near Powerlines - please read carefully & sign)

To: Regional Council of Goyder

From: Ace Microgrid Pty Ltd

Date of Application: 23/04/2019

Location of Proposed Development: Lot 824 Bruce Street, Eudunda SA 5374

House No: Lot No: 824 Street: Bruce Street

Town/Suburb: Eudunda

Section No (full/part): Hundred: Neals

Volume: Folio:

Nature of Proposed Development:

Solar panels on ground mounted framework with connection and export to the grid.

I, Shirleen Li, being the applicant or a person acting on behalf of the applicant (delete the inapplicable statement) for the development described above declare that the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. I make this declaration under clause 2A(1) of Schedule 5 of the Development Regulations 2008.

Signed: ___________________________ Date: 23/04/2019

NOTE 1
This declaration is only relevant to those development applications seeking authorisation for a form of development that involves the construction of a building (there is a definition of ‘building’ contained in section 4(1) of the Development Act 1993), other than where the development is limited to:

a) an internal alteration of a building; or
b) an alteration to the walls of a building but not so as to alter the shape of the building.

NOTE 2
The requirements of section 86 of the Electricity Act 1996 do not apply in relation to:

a) an aerial line and a fence, sign or notice that is less than 2.0 m in height and is not designed for a person to stand on; or
b) a service line installed specifically to supply electricity to the building or structure by the operator of the transmission or distribution network from which the electricity is being supplied.

NOTE 3
Section 86 of the Electricity Act 1996 refers to the erection of buildings in proximity to powerlines. The regulations under this Act prescribe minimum safe clearance distances that must be complied with.

NOTE 4
The majority of applications will not have any powerline issues, as normal residential setbacks often cause the building to comply with the prescribed powerlines clearance distances. Buildings/renovations located far away from powerlines, for example, towards the back of properties, will usually comply. Particular care needs to be taken where high voltage powerlines exist; or where the development:

a) is on a major road;
b) commercial/industrial in nature; or
c) built to the property boundary.
NOTE 5
An information brochure: 'Building Safely Near Powerlines' has been prepared by the Technical Regulator to assist applicants and other interested persons. This brochure is available from council and the Office of the Technical Regulator. The brochure and other relevant information can also be found at sa.gov.au/energy/powerlinesafety

NOTE 6
In cases where applicants have obtained a written approval from the Technical Regulator to build the development specified above in its current form within the prescribed clearance distances, the applicant is able to sign the form.

DECLARATION (please read carefully & sign)

I, Shirleen Li acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 1993. Council may refer third parties to your consultants and/or professional advisers to seek their consent to the copying (reproduction) of the consultant's / professional adviser's material/works that form part of the application.

APPLICANT/OWNER SIGNATURE: [Signature] DATE: 23 / 04 / 2019
Certificate of Title

Title Reference  CT 5806/757
Status  CURRENT
Easement  NO
Owner Number  71029847
Address for Notices  189 FULLARTON RD DULWICH, SA 5065
Area  3.67HA (APPROXIMATE)

Estate Type  FEE SIMPLE

Registered Proprietor  
CARMINE GROVE PTY. LTD. (ACN: 612 806 747)  
OF 189 FULLARTON ROAD DULWICH SA 5065

Description of Land  
ALLOTMENT 824 FILED PLAN 176896  
IN THE AREA NAMED EUDUNDA  
HUNDRED OF NEALES

Last Sale Details  
Dealing Reference  TRANSFER (T) 12934773  
Dealing Date  31/05/2018  
Sale Price  $219,945  
Sale Type  MORE THAN ONE TITLE

Constraints  
Encumbrances  NIL
Stoppers  NIL

Valuation Numbers  

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Notations on Plan
NIL

Registrar-General's Notes
NIL

Administrative Interests
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<td>ANDRE FISCHER</td>
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<td>PROPOSAL</td>
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**DESCRIPTION OF PROPOSAL**

The applicant seeks the approval to construct a 36.6 metre (12 bay) x 12.0 metre x 5.6 metre storage shed at the above subject site for the storage of the following:

- Ski boat
- Caravan
- Horse float
- Collector cars
- Maintenance space
- Ride on mower

**SITE DESCRIPTION**

The subject land is located in the Residential Zone in Eudunda.
PREAMBLE
On the basis of the information provided, the use of the building is for purposes reasonably ancillary to the residential use of the land and of a scale significantly larger and greater than is normally to be expected in either the residential zone.

The size of the domestic garage is considered to be more the size of a storage facility and does not comply with the Development Plan provisions that relates to the desired maximum size of such buildings having a maximum floor area of 70 square metres.

When assessing this application Council must consider the locality and the impacts a structure that does not meet the criteria would have on the amenity and character of the area.

The proposal has an extremely large floor area of 439.20 sq. and 5.6 metre overall height.

The main issue relating to the proposal is the bulk and scale and how it affects the character and amenity of the locality.

ZONING
The subject land is located within the Residential Zone of the Regional Council of Goyder Development Plan (24 November 2016-consolidated)

The Provisions of the Residential Zone contain three objectives, namely:

Objective 1 A residential zone comprising a range of dwelling types.

Objective 2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.

Objective 3 Development that contributes to the desired character of the zone.

The land is located in the Residential Zone, a zone generally intended to accommodate a range of dwelling types and in which domestic outbuildings and structures are also envisaged. Domestic outbuildings are an integral part of housing, and are an acceptable and expected form of development in a residential area subject to satisfactory siting, size, design, aesthetics and the like to ensure no adverse impact on surrounding development. The Development Plan policies stress this point in a general way and it is against these policies that the suitability or otherwise of a large shed needs to be assessed. Principals of Development Control 12 in the Residential Zone sets out criteria for sheds and garages. These are a guide to what is felt to be an ‘as of right’ outcome for the residential area. If it is also felt that, overall, the structure will fit within its setting, the proposal may be an acceptable form of development.
ASSESSMENT OF THE PROPOSAL
When determining if the proposed development is a reasonable form of development for the subject site, an assessment is made against the relevant provisions of the Development Plan. The appropriateness of the proposal is therefore reliant on satisfying such provisions and have no unreasonable impact on adjoining properties and on the amenity and character of the locality.

The proposal involves a form of development commonly found in residential areas, namely a shed for domestic storage purposes ancillary to the principal residential use of the land. The planning issue is with the siting, form and bulk of the shed. The shed is large in the context of its setting in this part of Eudunda. Although the adjoining rear land is vacant and yet to be developed, the siting of this shed may create a precedent for or potentially interfere with neighbouring building alignments and outlook for future dwellings. Applications for large sheds in Residential Zones are increasing and this is the largest shed that Council has assessed within a Residential Zone. Other sheds in Residential Zones of 100 square metres or more have been approved with each application being assessed against a number of site elements. The adjoining rear land is a vacant allotment and consideration should be given to possible future development of this land i.e. dwelling, as it sits also within the Residential Zone.

In terms of section 35 and the relevant provisions of the Development Plan, the proposal is for consideration on its merits against the Development Plan guidelines and involves weighing up the pros and cons and considering whether it is sufficiently conducive to the overall intent, purpose and desired character and amenity of the Residential Zone and tested in the specific site and locality context the Development Plan is also to be utilised as a flexible, advisory planning policy document, not as a mandatory legal statute and as a practical guide for practical application, superimposed upon an existing state of development on the site and in the relevant locality. Ultimately, a planning judgement is to be made on a fact and degree basis as to whether the specific proposal sufficiently meets the Development Plan and having regard to all relevant matters, warrants consent.

The proposal raises the key issue of impacts on visual amenity and residential character of the locality. Other issues relating to the intensity or nature of the use to comprise activities ancillary only to the residential use of the land.

LOCALITY
The locality wholly comprises relatively low density residential development of single storey detached dwellings on relatively large allotments.

The character of the locality is of a residential area with relatively open character, pleasant in appearance and to be somewhat typical of a low density neat and tidy country town. The properties are generally well maintained.

While Council acknowledges a neighbouring shed that is approximately 211sqm and located within the Residential Zone.
Precedent Effect
In Nadebaum v City of Mitcham (1995) EDLR 587; THE Full Court;
Holding that while a planning authority may have regard to the “precedent effect” of approving a
given development, this cannot, of itself, be a reason for refusal. The assessment authority must
assess the development on its merits and the “precedent effect” will be just one of the factors to
the merits of the development.

In dealing with the issue of precedent, Commissioner Hodgson said that while there may be
circumstances in which the likely consequences, for the wider locality, of approval of a
development are a factor for consideration by the planning authority, the precedent factor can
never stand alone and, as Judge Bowering held in Nadebaum: “It does not entitle either the
relevant authority or this Court to either disregard the relevant conditions of the Development
Plan or to treat the application concerned other than on its merits.” Commissioner Hodgson went
on to quote from the comments of Wells J as to the relevance of precedent in State Planning
Authority v Tanczos & Ors (1979) 20 SASR210 where he said: AELN No. 3 1996 CASE
NOTES -South Australia 26 “What is relevant in each case must be determined by the nature of
the application and by the circumstances in which it was made; but it must never be forgotten that
the Board sits to administer a Planning and Development Act. The very title to the Act proclaims
a necessity of looking, not only at contemporaneous facts and events, but also, within reasonable
limits, at the probable evolution of the community and of its mode of living within an area that
Relates naturally and logically to the subject land.” The comments of Wells J continue to be
relevant in the context of the Development Act.

Zoning
The land is located in the Residential Zone, a zone generally intended to accommodate a range of
dwelling types and in which domestic outbuildings and structures are also envisaged.

Domestic outbuildings are an integral part of housing, and are an acceptable and expected form of
development in a residential area subject to satisfactory siting, size, design, aesthetics and the like
to ensure no adverse impact on surrounding development. The Development Plan policies stress
this point in a general way and it is against these policies that the suitability or otherwise of a
large shed need to be assessed.

CONSULTATION WITH OTHER AGENCIES/DEPARTMENTS
No formal Schedule 8 referrals to external agencies were required under the Development
Regulations 2008.

SUMMARY OF THE PROPOSAL
The size of the domestic garage is considered to be more the size of a storage facility and does not
comply with the Development Plan provisions that relates to the desired maximum size of such
buildings having a maximum floor area of 70 square metres.
The proposed garage is some 360 square metres over the Development Plan provisions.
On the basis of the information provided and the evidence, the use of the building is for purposes reasonably ancillary to the residential use of the land although of a scale significantly larger and greater than is normally to be expected in a residential zone.

When assessing this application Council must consider the locality and the impacts a structure that does not meet the criteria would have on the amenity and character of the area.

The existing land use is residential in nature and is consistent with the Residential Zone Objectives. The proposal is not considered to alter the general use of the site and so is deemed to meet the relevant land use provisions.

**ASSESSMENT OF THE PROPOSAL**
When determining if the proposed development is a reasonable form of development for the subject site, an assessment is conducted against the relevant provisions of the Development Plan. The appropriateness of the proposal is therefore reliant on satisfying such provisions and having no unreasonable impact on adjoining properties and on the amenity and character of the locality.

One of the key considerations of this assessment relates to the appropriateness of the land use and its relationship with the existing land use and the protection of existing and future land uses which might be considered within the zone and locality.

Whilst an assessment of the whole Development Plan has been undertaken, it is considered that the objectives and principles listed in the following sections are those most relevant to the assessment of the application.

**ZONING**

<table>
<thead>
<tr>
<th>ZONE SECTION</th>
<th>OBJECTIVES</th>
<th>PDC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Zone</td>
<td></td>
<td>1,10,</td>
</tr>
</tbody>
</table>

**Objective 12:**
11 Sheds, garages and similar outbuildings should be designed within the following parameters:

<table>
<thead>
<tr>
<th>Parameter Value</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum floor area</td>
<td>70 square metres</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>5 metres</td>
</tr>
<tr>
<td>Maximum wall height (from finished floor level)</td>
<td>2.7 metres</td>
</tr>
</tbody>
</table>

The proposed garage is at variance with this provision of the Development Plan in relation to the total floor area. The proposal exceeds, by a significant margin, the floor area guideline (439.20 square metres, compared to 70 square metres).

The magnitude of this departure borders on, and probably constitutes that the proposed development is seriously at variance with the Development Plan and must be refused.
Notwithstanding, I have proceeded to complete a full assessment of the proposal against the Development Plan in the event that it can be found to not be seriously at variance.

Although design and siting is not the primary concern relating to this development, it is important to consider the visual impact of the building.

A critical aspect of the assessment of this application includes the appearance of the proposed structure, and importantly its visual impact on the amenity of the area. Principles of Development Control 7, 10 &12 seek to protect the amenity of the locality in which the development is proposed, by ensuring that buildings are unobtrusively sited, and that they blend with the natural surrounds.

**Orderly and Sustainable Development**
A key issue with the proposed development is noted in Objective 3 of the ‘Orderly and Sustainable Development’ Section of Council’s Development Plan which states that;
Objective 3: Development that does not jeopardise the continuance of adjoining authorised land uses.
PDC 1: Development should not prejudice the development of a zone for its intended purpose.

Importantly, development should not prejudice the development of a zone for its intended purpose. The implications of an industrial type development in a residential zone are likely to have implications on the existing and future envisaged land uses in the area.

**Residential Development**
PDC 8: Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complement the associated dwelling.

While the proposed shed is excessively larger than the size envisaged of the Residential Zone Section of Councils Development Plan. These characteristics have a significant bearing on the potential for the proposed shed to be occupied contrary to its approval as a domestic shed.

**Waste**
Any waste produced by the site will be limited in nature and volume and is not considered to have any inherent environmental risks associated with its locality on the site, and is proposed to be disposed of in an environmentally sensitive manner

**Weighing Up of Issues and Owner Needs**
What appears to be a genuine need of the owner for a large undercover storage area is acknowledged. In some instances, it may be able to be accommodated on residential land in a residential zone in the Council area. In other circumstances/cases it is likely that it may not and thus storage space in either of the industrial, commercial or perhaps rural zoned areas may need to be pursued.
It is noted that the subject land is much larger in size than most other allotments within the Residential Zone. This size and style of shedding of the proposed shed is considered acceptable within the Primary Production Zone as it would be required to house machinery to maintain the land. Thus, given the dimensions of the shed it is of a size that is more akin to a large industrial or intensive animal keeping shed.

However, an owner’s need is not able to be afforded such weight to warrant the overriding of various departures from the Development Plan guidelines, enabling the granting of consent. The departures are not minor, nor the matter evenly balanced as it is considered that due to the size of the shed it will have the appearance of a large industrial shed or a primary production shed which would be inconsistent with the character of the locality and a departure from the amenity values of the Eudunda Residential Zone.

REFERRALS
No external agency referrals were required by the Development Regulations 2008.

CONCLUSION
This report has highlighted that the proposal is at variance with several provisions of the Development Plan, both quantitative and qualitative. The visual bulk of the proposal is considered to be in excess of what is acceptable as per the Development Plan.

The task of the Panel is therefore two fold firstly, it is to consider the proposed development against the provisions of the Development Plan as required by Section 33(1) (a) of the Act.

Second, it must consider whether the development is seriously at variance with the Development Plan as required by Section 35(2) of the Act. Before consent is granted Section 35(2) implicitly requires the planning authority to make an assessment that the development is not seriously at variance with the Development Plan.

Having assessed the proposed development against all of the relevant provisions of Council’s Development Plan, it is considered that the proposal

CONCLUSION
Second, it must consider whether the development is seriously at variance with the Development Plan as required by Section 35(2) of the Act. Before consent is granted Section 35(2) implicitly requires the planning authority to make an assessment that the development is not seriously at variance with the Development Plan.

Furthermore, a CAP cannot grant Development Plan Consent (i.e. “Planning Consent”) if it believes that the proposed development is seriously at variance with the Development Plan.
RECOMMENDATION

That the Regional Council of Goyder Development Assessment Panel resolves that:

1) That pursuant to Section 35(2) of the Development Act, 1993, the proposal is considered to be seriously at variance with the relevant provisions of the Goyder Council Development Plan dated 24 November 2016.

2) Pursuant to Section 33 of the Development Act, 1993, Development Application 422/103/19 by Andre Fischer for the construction of a Storage Shed 36.6 metres x 12.0 metres x 5.6 metres (439.20sqm) at 87 Bruce Street, Eudunda be REFUSED Development Plan Consent subject to the following conditions:

REASONS FOR REFUSAL

1. The proposal is contrary to Principal of Development Control 12 of the Residential Zone as the proposed shed does not comply with the size and height requirements.

2. The proposal is contrary to Principle of Development Control 7 of the Residential Zone as it is not consistent with the desired character of the zone.

3. The proposal is contrary to Objective 3 & 4 of Orderly and Sustainable Development General Section as it will have a negative impact on the amenity of the locality.
STATEMENT OF REPRESENTATION
CATEGORY 3 DEVELOPMENT
Pursuant to section 38 of the Development Act, 1993

TO: Development Officer
Regional Council of Goyder
1 Market Square
BURRA SA 5417

In order to make a valid representation to the Panel, the following details must be completed:
- Name of Representor (s)
- Postal Address
- Specific comments that clearly state the reasons for the representation
- Whether or not you wish to be heard by the Panel

NAME OF REPRESENTOR (s):

POSTAL & RESIDENTIAL/PROPERTY ADDRESS:

CONTACT TELEPHONE NUMBER:

MY INTERESTS ARE AFFECTED AS: owner
(state whether owner or occupier, or on behalf of a company or other organization or as a private citizen)

MY REPRESENTATION IS IN REGARD TO THE DEVELOPMENT APPLICATION:
LODGED BY: Andre Fischer
DEVELOPMENT NO: 422/103/19

THIS REPRESENTATION IS (PLEASE CIRCLE ONE OF THE FOLLOWING):

1. In favour of the application
2. In favour of the application subject to certain amendments or provisions being met (list below)
3. Neutral regarding the outcome of the application although noting certain concerns (list below)
4. Primarily against the application although my objection would be lessened if certain amendments or provisions are met (list below)
5. Against the application

The specific comments I have to make with regard to the above are as follows:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

(if space is insufficient please attach a list)

Please indicate whether you wish to be heard by the Panel in respect to this representation by circling one of the following:
1. I do not wish to be heard
2. I desire to be heard personally
3. I will be represented by ___________________________ (please specify)

SIGNED: ___________________________ DATE: ___________________________

THIS REPRESENTATION MUST BE RECEIVED AT THE REGIONAL COUNCIL OF GOYDER OFFICE NO LATER THAN 4.30 PM ON TUESDAY 12 NOVEMBER 2019.
REGIONAL COUNCIL OF GOYDER
NOTICE OF APPLICATION FOR
CATEGORY 3 DEVELOPMENT

Pursuant to Section 38(9) of the Development Act, 1993 Notice is hereby given that an application comprising a CATEGORY 3 DEVELOPMENT has been lodged with the Council for a development assessment.

Details of the application are as follows:

DEVELOPMENT NO: 422/103/19
APPLICANT: Andre Fletcher
NATURE OF THE DEVELOPMENT: 36.6 metre x 12.0 metre x 5.6 metre storage shed
SUBJECT LAND: 87 Bruce Street, Eudunda SA 5374
ZONE: Residential Zone
CT: 5262183

The application may be examined at the Burras Office of the Council located at 1 Market Square Burras, Monday to Friday, during normal business hours, or Council’s Eudunda Office located at 25 Bruce Street, Eudunda. Any person or body who desires to do so may make relevant representations in writing concerning this application to reach the Development Assessment Manager Fiona Barr at 1 Market Square, Burras SA 5417 NO LATER THAN 4.30pm on TUESDAY 12TH NOVEMBER 2019.

Each person making a submission should indicate whether that person wishes to appear personally or be represented by another party before the Development Assessment Panel in support of that submission.

Please note that pursuant to Section 38(9) of the Development Act 1993, a copy of each representation received will be forwarded to the applicant for a written response and will become a public document.

FIONA E. BARR
DEVELOPMENT ASSESSMENT MANAGER
29 October 2019.

THIS IS THE FIRST AND ONLY PUBLICATION OF THIS NOTICE.
Hi Fiona,

We have put together a bit more information to assist you with our application. All information of surrounding areas provided in the power point attached. Should you have any questions, please do not hesitate to email me or alternatively contact Andre on 0433287558. We look forward to a favourable response.

Kind regards,

Tina Johns

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Hi

Further to our phone conversation earlier today please find attached a Development Application form for completion.

Currently the subject land is located within a residential zone where the Planning policy allows a domestic shed to be constructed up 70 square metres (total).

From what you have lodged a shed measuring 36.6 metres by 12.0 metres with a wall height of over 5.00 metres is greatly at variance to the Development Plan.

Can you please provide detailed information on the reason you require such a large shed to enable a correct initial assessment of the application.

Greatly appreciated.

Regards

Fiona Barr
Development Assessment Manager
Shed Application 87 Bruce Street Bundamba
Storeage
Years old and not suitable for secure
incomplete. The shed is over 100
not secured and it is run down and
As you can see from the photos it is

metres in total
Street Budunga measure 27.5 X 7
The existing stone shed on 87 Bruce

Bruce Street Budunga
Existing Shedding on 87
The shed on this size
is our pride and joy.

Our garden storage area also for a ride
housed within the shed.

Our daily personal
vehicles would also be

Bikes and karts etc.
Work on their motor cross
required for the boys to

Maintenance space

Secure storage

All these items require
and motor cross involved in go - karting
years of age, whom are all
boys ranging from 16 - 12
We also have

Security

Requiring protection and
some collection cars
caravan, horse boat and
We have a ski boat.

Reasons for
new shed and
shed size
Theirs is behind their house as shown. Their shed and house. Neighbours would not see our new shed and View from shed site towards neighbours shed and.
shed site

Neighbours shed farthest and view by proposed new
Position of new shed site
be a visual impact on our neighbours given it is hidden by trees and other sheds and at the rear of our property.

Our allocation is 2.5 acres and given our location and surroundings we don't believe our shed is excessive nor will it

In industry Road/Industrial area's and the council works depot. There are numerous large sheds all around us.

As shown we are situated on the outskirts of Bundamba, backing onto rural/farming boundaries. We are very close to
Andre Fischer

application

understanding regarding this

Thank you for your time and
Regional Council of Goyder

GOYDER
South Australia's Heartland

1 Market Square, Burra, South Australia 5417 (W): www.goyder.sa.gov.au
(P): (08) 8892 0100 (F): (08) 8892 2467 (E): council@goyder.sa.gov.au

DEVELOPMENT APPLICATION FORM

Development Application No.: 422103119

Received By: [Signature]
Date: 14/11/19

APPLICANT:
Name: ANDRE FISCHER
Postal Address: 87 BRUCE ST EUDUNDA SA 5374

OWNER:
Name: ANDRE FISCHER
Postal Address: 87 BRUCE ST EUDUNDA SA 5374

BUILDER:
Name: PRIVATE OWNER BUILDER
Postal Address:
License No.:

CONTACT PERSON:
Name: ANDRE FISCHER
Postal Address: 87 BRUCE ST EUDUNDA SA 5374
Mobile: 0433287558
Email: yellowrose99@bigpond.com

LOCATION OF PROPOSED DEVELOPMENT:
Street No.: 87
Street: BRUCE St
Sec No.: 31
Lot No.: Hundred: Volume No.:
Suburb: EUDUNDA
Folio No.: Ass. No.: A28947

DEVELOPMENT DETAILS (must be filled out to be accepted)
Development Cost (GST Inclusive, exclude fit-out costs): $
Floor Area (m²): 43.9 20 Sep

NATURE OF PROPOSED DEVELOPMENT (i.e. shed, dwelling, alterations and additions to dwelling, change of use, etc.)
Storage Shed: 3.6 (meters) x 12 (m x 5.6 (meters)

CURRENT LAND USE (i.e. recreational, retail, office, vacant land, etc.)
Residential

DOCUMENTS TO BE SUPPLIED WITH APPLICATION
| Construction Industry Training Levy Form (Applies to Developments over $40,000) | Supplied | Not Required |
| Builders Indemnity Insurance Certificate (Applies to Residential Developments Over $12,000) | Supplied | Not Required |
| Certificate of Title (Search Fee Applies) | Supplied | Not Required |