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 Council Meeting Room, 1 Market Square, Burra, at 10.00a.m. on Wednesday 14th August 2019.

Fiona Barr
DEVELOPMENT ASSESSMENT MANAGER

8th August 2019

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 20 February 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 DISCLOSURERESTS 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/D003/17 Philip Dickins
   Land Division (1 into 2)
4.1.2 Category 1
422/023/19 Rob Eberhard
(Patio/Carport)

5. CORRESPONDENCE
   Nil

6. OTHER BUSINESS

7. NEXT MEETING

8. CLOSE OF MEETING
<table>
<thead>
<tr>
<th>APPLICATION NO.</th>
<th>422/D003/17</th>
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<tbody>
<tr>
<td>APPLICANT</td>
<td>PHILIP DICKINS</td>
</tr>
<tr>
<td>OWNER</td>
<td>PHILIP DICKINS</td>
</tr>
<tr>
<td>PROPOSAL</td>
<td>LAND DIVISION (ONE INTO TWO)</td>
</tr>
<tr>
<td>LOCATION</td>
<td>LOT 1 25 NORTH BLUFF HALLETT SA 5419</td>
</tr>
<tr>
<td>ZONE</td>
<td>PRIMARY PRODUCTION ZONE</td>
</tr>
<tr>
<td>NATURE OF DEVELOPMENT</td>
<td>CATEGORY 3 NON-COMPLYING</td>
</tr>
<tr>
<td>PUBLIC NOTIFICATION</td>
<td>Yes</td>
</tr>
<tr>
<td>AGENCY REFERRALS</td>
<td>STATE COMMISSION ASSESSMENT PANEL</td>
</tr>
<tr>
<td>RECOMMENDATION</td>
<td>GRANT DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS &amp; SCAP CONCURRENCE</td>
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</tbody>
</table>

**DESCRIPTION OF PROPOSAL**

The proposal is to divide the subject land into two allotments to provide separate titles for each of the two habitable dwellings. Proposed Lot 25 will have a site area of 5.329 hectares and frontage to Wilkins Highway of 171.98 metres and North Bluff Road of 289.01 metres and proposed Lot 26 will have a site area of 1.137 hectares and frontage to North Bluff Road of 102.49 metres. Vehicle access to each dwelling is gained via the existing separate driveways.

The Statement of Effect outlines that the division is to enable the current owns to separate the two dwellings on the subject land independently.

**BACKGROUND**

The Land Division application was originally lodged on 15 September 2017

The non-complying trigger is that the creation of additional allotments under 100 hectares by land division.

**SUBJECT LAND**

The subject land is contained within Certificate of Title Volume 6039 Folio 453 and delineated in Zone Map Go/1.

The subject site has a total area of 6.466 hectares and approximately 10 kilometres out of Hallett on the Wilkins Highway. The allotment contains two habitable dwellings and associated outbuildings. Access to the subject land is from North Bluff Road. Currently there are two access points that service both dwellings separately.

The allotment has no easements or rights of way.
REASON FOR REPORT
The subject proposal seeks consent to divide land located within the Primary Production Zone so as to create two allotments. According to the Zone procedural matters land division where additional allotments are created constitutes a “non-complying” form of development within the
Zone as all allotments resulting from the division will be under 100 hectares and therefore the proposed development has been deemed to be non-complying.

The subject application being a non-complying form of development is presented to the CAP for a decision to proceed as Council staff do not have delegated authority to issue a decision for a non-complying development.

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

*Land division is listed in the Primary Production Zone as non-complying. The only exceptions are:*

  a) *All allotments resulting from the division are over 100 hectares;*
  b) *In the case of boundary realignment, the number of resulting allotments of less than 100 hectares is not greater than the number that existed prior to the realignment.*

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.

**Procedural matters regarding assessment of non-complying development:**
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.

Non-complying applications may still be granted Development Plan Consent following assessment against the relevant provisions of the Development Plan. If the Panel determines to grant planning consent following its assessment, any such consent may not be granted until the State Commission Assessment Panel has advised of its concurrence.

**Public Notification**
The proposal was subject to Category 3 public notification as per Schedule 9 of the Development Regulations, 2008.

The proposed land division is a non-complying form of development as outlined in the procedural matters of the Primary Production Zone.
The development application documents were made available at the front counter at the Burra Office during the 10 business day period as prescribed by Regulation 35(a), as well as being advertised in the local media.

No representations were received.

**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 as the existing allotment is not used for primary production and is not of a size to support any viable primary production activity.

**REFERRALS**

**State Commission Assessment Panel**

A standard response to a non-complying application.

**SA Water**

Standard response

**STATEMENT OF EFFECT**

The applicant has submitted a “Statement of Effect” to Council prepared by Outhred English Planning Consultants. The Statement includes assessment comments against relevant planning guidelines and consideration of environmental, social and economic impacts. The consultant considers that there will be no adverse social, economic or environmental effects arising from the proposal. The assessment comments in relation to social, economic and environmental impacts are summarised as follows:

- the agricultural use of the overall subject land is not being compromised
- no physical change to the land or built form
- no negative economic aspects
- access to remain the same
- no aspects of the proposal are likely to create any negative social effects.
- The potential future occupation of the second dwelling by a family could provide an economic and social benefit to the area.
As such the applicant concludes that the proposal satisfies the relevant provisions of the Development Plan and is worthy of consent.

**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

Dividing the land does not alter the use of the buildings or the character of the locality it merely identifies lines on a plan. This proposal will have no material effect or visual change will be evident.

With the potential for future occupation for an owner-occupier family of the second dwelling to move to the Hallett district. This is seen as a positive for the district in the light of the decline in population over the years. Increased numbers in the community leads to an increase in community involvement in sporting clubs and other community organisations.

The Regional Council of Goyder has seen a demonstrated demand for similar smaller land holdings with houses from outside buyers, particularly within a 250km radius of the Adelaide metropolitan area. Such new purchasers often bring investment into smaller rural communities by using local businesses.
Should the Panel resolve to approve the proposal, a third stage involving the concurrence of the SCAP will be undertaken.

**Interface between Land Uses**
No adverse impact on the environment will result as a result of the proposal. The proposal will not change the land use.

**Infrastructure**
The proposed development does not increase pressure on any of the existing infrastructure.

**Land Division**
The proposed land division will not alter the use of the land or change the character of the locality and there will be no adverse agricultural efficiency or productivity.

**CONCLUSION**
The proposed land division outcome is to create separate titles for the two existing dwellings. The proposed land division will result in minimal changes to existing fence lines but will not change how each of the proposed allotments are used.

Each of the proposed allotments will contain an existing habitable dwelling and associated sheds which are already grouped together such that the overall rural character of the locality will not be altered as a result of the land division. The proposed land division does not increase the potential for additional dwellings and as such the overall character of the locality would not in my opinion be affected.

While the proposed land division is listed as non-complying I am of the opinion that the proposal is appropriate in this instance as two separate habitable dwellings exist on the subject land and the division of the allotment to create separate title for each dwelling will not change the existing physical appearance of the land and hence impact of the character of the area is minimised.

The division will not result in any erosion of land.

The built form is already located on the subject land and to the passer-by no change will be visually evident.

No vegetation is required to be removed to enable the division to occur.

Dwellings are considered to be an acceptable form of development in the Primary Production Zone, and by separating these two dwellings to stand independently it will not inhibit the continuation of farming and other primary production practices in the area.
The proposed land division reflects a relatively orderly re-distribution of land and is considered acceptable against the provisions of the Regional Council of Goyder Development Plan, notwithstanding its non-complying status.

Given these facts it is recommended that the development application be supported and granted Development Plan Consent.

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 dated 24 November 2016.

2. Pursuant to Section 33 of the Development Act, 1993 Development Application 422/D003/17 by Outhred English at Allotment 1, 25 North Bluff Road, Hallett be granted Development Plan Consent and Land Division 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/D003/17.

   Reason: To ensure the proposed development is undertaken in accordance with the approved plans.

2). The approval granted herein does not extinguish any previous consents/approvals, conditions or requirements relevant to the land, unless specifically stated.

   Reason: To maintain the amenity of the locality.
STATEMENT OF EFFECT

LAND DIVISION – ONE ALLOTMENT
into TWO ALLOTMENTS

Allotment 1, 25 North Bluff Road, Hallett

DA Number 422/D003/2017

Philip & Anne Maree Dickins

February 2019
Proposed Land Division - DA 422/D003/2017 – Allotment 1, 25 North Bluff Road, Hallett

This statement has been prepared in accordance with Regulation 17 of the Development Regulations in respect to the proposed land division in DA 422/D003/2017 by Philip & Anne Maree Dickins to divide Lot 1 into two allotments.

The subject land is located within the Primary Production Zone as delineated on Zone Map Go/1.

Land division is listed in the Primary Production Zone as non-complying. The only exceptions are:

'(a) all allotments resulting from the division are over 100 hectares;

(b) in the case of boundary realignment, the number of resulting allotments of less than 100 hectares is not greater than the number that existed prior to the realignment.’

The existing allotment is less than 100 hectares in area. Consequently, as the exemptions do 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 Allotment 1 in DP 80833 and is contained in Certificate of Title Volume 6039 Folio 453.

The subject site has a total area of 6.466 hectares. Details of the existing allotment is contained on the following table:

<table>
<thead>
<tr>
<th></th>
<th>Area</th>
<th>Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1</td>
<td>6.466 Ha</td>
<td>171.98m – Wilkins Highway 391.50m – North Bluff Road</td>
</tr>
</tbody>
</table>

The allotment contains two dwellings and associated small outbuildings. Access to the site is from North Bluff Road. There are two access points.
The majority of the land is covered by a woodlot containing mature gums and natives, pine trees and exotic trees. There is no farming enterprise on the land due to the limited size of the land.

In respect to services, both dwellings have individual septic tanks and soakage areas and individual power meters and telephone lines. The dwelling on proposed Lot 25 has 66000L capacity rainwater tanks collecting roof run-off. The dwelling on proposed Lot 26 has 22000L capacity rainwater tanks collecting roof run-off.

2. The Locality

The subject land is situated at the north-east corner of Wilkins Highway and North Bluff Road. The closest towns are Hallett (about 11.5 kilometers to the south-east) and Jamestown (about 25.5 kilometers to the north-west).

Land in the locality is almost entirely used for primary production activity.

3. Background

Philip and Anne Marie Dickens purchased the property about three years ago. They are the occupants of the larger dwelling. The intention was that the second dwelling would be occupied by the mother of Anne Maree Dickens. This was a convenient family arrangement, that would provide a degree of independence while the care of family was available. However, recently her mother reached a stage of requiring additional health care and she moved into a retirement lodge at Jamestown.

The intent of the land division is to address any future complications with the mother’s will, as she partially invested in the original purchase of the property and has a right of life tenancy. There is no intension to sell the second allotment in the short to medium term.

4. The Proposal

The proposed allotments are contained on the table below:

<table>
<thead>
<tr>
<th>Lot No</th>
<th>Area</th>
<th>Frontage (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>5.329 Ha</td>
<td>171.98m – Wilkins Hwy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>289.01m – North Bluff Rd</td>
</tr>
</tbody>
</table>
An existing dwelling is located on both proposed allotments, such that there is one dwelling per allotment.

No new access points are proposed. The existing driveway and access adjacent to the second dwelling will service proposed Lot 26. However, a free and unrestricted right of way over the driveway (4m wide) will be in favour of Lot 25.


The subject areas covered by the Zone and General provisions of the Goyder Council Development Plan as Consolidated on 24 November 2016, of particular relevance to the land division are as follows:

*Primary Production Zone:*
  * Objectives 1 – 3 & 5
  * Desired Character
  * Principles of Development Control 1, 2 & 8 – 13

*General Section:*
  * Hazards
  * Infrastructure
  * Interface Between Land Uses
  * Land Division
  * Natural Resources
  * Orderly and Sustainable Development
  * Residential Development
  * Transportation and Access
  * Waste

*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.

**Land Division**

**PDC 13:**

Land division involving boundary realignments should only occur where the number of resulting allotments of less than 100 hectares is not greater than the number that existed prior to the realignment.

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 by **PDC 13** that states that boundary realignments should only occur in circumstances where the number of allotments with an area of less than 100 hectares is no greater than the number that existed prior to the realignment. I note that the non-complying trigger is 100 hectares.

Large allotments facilitate viable land holdings for primary production. The subject land is already far too small for viable primary production. Albeit that the land contains mature vegetation in the form of a woodlot of gums and natives, pine and exotic trees, they do not provide a viable primary production activity. The proposed division will create two allotments each containing a dwelling, rather than the existing situation with two dwellings on one allotment. The result will not make any difference to the amount of land used for primary production.
The land division involves no change to the existing physical appearance of the land.

**Objective 5:** Development that contributes to the desired character of the zone.

**PDC 10:**

Development should not be undertaken unless it is consistent with the desired character for the zone.

**Desired Character**

**Function**

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.

**Wind farms**

**Pattern of Development**

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 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 unabstructed 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, verandahs 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;
- impact on the freight network.

The desired character is consistent with supporting and maintaining the existing sustainable primary production activity in the zone. This includes restricting land division to ensure large viable allotments.

The subject land is already too small to be viable for primary production. An arbitrary minimum allotment area of 100 hectares provides a benchmark for viable farming allotments in the Primary Production Zone. The subject land is only
6.47% of the area of the 100 hectare arbitrary benchmark figure. It is not used for primary production and is clearly far too small to provide a viable farming unit.

The proposed division into two allotments, providing an allotment for each of the two existing dwellings, will make no difference to the land available for primary production use.

The physical appearance of the land will not change. Thus, the portions of the Desired Character relating to public realm, built form and building materials/character has no application of relevance to the proposed land division.

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 division 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
- The two existing access points to the secondary road will remain and the low volume of vehicle movements from the existing dwellings will have negligible impact upon the freight network

While the proposed land division does not promote primary production, neither does it detract from the Desired Character of the Primary Production Zone.

**PDC 2:**

*Development listed as non-complying is generally inappropriate and not acceptable unless it can be demonstrated that it does not undermine the objectives and principles of the Development Plan.*

Clearly the proposed land division 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 this statement on the various relevant objectives and principles, would suggest a neutral impact that will not undermine. In particular, I make the following comments:

- The land division will result in no change to the physical appearance of the land
• The division 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
• Vehicle movements from the existing dwellings will have negligible impact upon the freight network
• There are no issues relating to hazards
• Suitable infrastructure is available to both proposed allotments
• Buffers distances between dwellings and primary production is appropriate
• The land division substantially satisfies the various provisions contained in the General Section – Land Division
• There is no physical changes to the land, thus no issues relating to natural resources
• The existing dwellings are substantially in accord with the provisions relating to General Section – Residential Development
• Existing access, parking and manoeuvring satisfy the provisions relating to General Section - Transportation and Access
• Existing waste facilities on site satisfy the provisions relating to General Section – Waste

**PDC 8:**

*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 relevance of PDC 8 & 9 is limited in the context of there being two existing dwellings on the land. However, to the extent of their relevance, the two dwellings substantially satisfy the criteria contained in these principles. In particular:

- The few outbuildings associated with each dwelling are grouped with the dwellings
- Mature vegetation screening exists between the two dwellings, between the dwellings and the public road and between the dwellings and primary production activities on adjacent land
- The subject land is not within 500 metres of intensive animal keeping
- The division will result in one dwelling per allotment

**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 existing dwelling on proposed Lot 25 is setback about 30 metres from North Bluff Road and about 170 metres from Wilkins Highway.

The existing dwelling on proposed Lot 26 is setback about 55 metres from North Bluff Road.

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 - Hazards

Objective 1

Maintenance of the natural environment and systems by limiting development in areas susceptible to natural hazard risk.

Objective 2:

Development located away from areas that are vulnerable to, and cannot be adequately and effectively protected from the risk of natural hazards.

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
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.

**PDC 10:** Land division should be designed to:

- a) minimise the danger to residents, other occupants of buildings and fire fighting personnel
- b) minimise the extent of damage to buildings and other property during a bushfire
- c) ensure each allotment contains a suitable building site that is located away from vegetation that would pose an unacceptable risk in the event of bushfire
- d) ensure provision of a fire hazard separation zone isolating residential allotments from areas that pose an unacceptable bushfire risk by containing the allotments within a perimeter road or through other means that achieve an adequate separation.

**PDC 11:**

Vehicle access and driveways to properties and public roads created by land division should be designed and constructed to facilitate safe and effective operational use for fire-fighting, other emergency vehicles and residents.

The land division satisfies the criteria contained in the Development Plan in the following respects:

- There is no physical change to the land with boundaries accommodating the existing dwellings, driveways and areas of vegetation
- All weather access is provided from North Bluff Road;
- The terrain is reasonably flat and will accommodate emergency vehicles if required in the event of a bushfire;
- Emergency vehicles can enter one driveway and exit the other, enabling vehicles to travel in a forward direction
- An adequate building protection zone is available; and
- Existing rainwater tanks associated with the dwellings provide a water supply to each site.

The land is not located in an area subject to flood events nor any other hazard.
5.3 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 2:**

Development should only occur only where it provides, or has access to, relevant easements for the supply of infrastructure.

**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.

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

5.4 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.

**PDC 5:**

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 negative impacts.

Rural Interface
PDC 8: The potential for adverse impacts resulting from rural development should be minimised by:

(a) not locating horticulture or intensive animal keeping on land adjacent to townships

(b) maintaining an adequate separation between horticulture or intensive animal keeping and townships, other sensitive uses and, where desirable, other forms of primary production.

PDC 9:

Traffic movement, spray drift, dust, noise, odour, and the use of frost fans and gas guns associated with primary production activities should not lead to unreasonable impact on adjacent land users.

PDC 10:

Existing primary production uses and mineral extraction should not be prejudiced by the inappropriate encroachment of sensitive uses such as urban development.

There should be no interface issues considering that there is no change to the use of the land. A suitable buffer distance separates the two existing dwellings from agricultural activities on adjacent land and is screened by mature vegetation.

Likewise, the two existing dwellings are separated from each other by a distance of about 70 metres and screened with mature trees.

5.5 General Section – Land Division

Objective 2: Land division that creates allotments appropriate for the intended use.

Objective 3:

Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.

Objective 4:

Land division restricted in rural areas to ensure the efficient use of rural land for primary production and avoidance of uneconomic infrastructure provision.

PDC 1: When land is divided:

(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner

(b) a sufficient water supply should be made available for each allotment
(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health

(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.

PDC 2: Land should not be divided if any of the following apply:

(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use

(b) any allotment will not have a frontage to an existing or proposed public road

(c) the intended use of the land would require excessive cut and fill

(d) the intended use, or the establishment of that use, is likely to lead to undue erosion of the subject land or land within the locality

(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development

(f) the intended use of the land would be contrary to the zone objectives

(g) any single allotments are created that sit within more than one zone.

PDC 4:

Land divisions should be designed to ensure that areas of native vegetation and wetlands do not need to be cleared as a consequence of subsequent development or fragmented or reduced in size.

PDC 5: The design of a land division should incorporate:

(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities.

(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare

(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones

(d) suitable land set aside for useable local open space

(e) public utility services within road reserves and where necessary within dedicated easements

(f) the preservation of significant natural, cultural or landscape features including State and local heritage places
(g) protection for existing vegetation and drainage lines

(h) where appropriate, the amalgamation of smaller allotments to ensure coordinated and efficient site development.

**PDC 7:** Allotments should have an orientation, size and configuration to encourage development that:

(a) minimises the need for earthworks and retaining walls

(b) maintains natural drainage systems

(c) faces abutting streets and open spaces

(d) does not require the removal of existing native vegetation to facilitate that development

(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.

**Land Division in Rural Areas**

**PDC 18:**

Rural land should not be divided if the resulting allotments would be of a size and configuration likely to impede the efficient use of rural land for any of the following:

(a) primary production

(b) value adding industries related to primary production

(c) protection of natural resources.

**PDC 19:** Rural land should not be divided where new allotments would result in any of the following:

(a) fragmentation of productive primary production land

(b) strip development along roads or water mains

(c) uneconomic costs to the community for the provision of services

(d) prejudice against the proper and orderly development of townships

(e) removal of native vegetation for allotment boundaries, access roads, infrastructure, dwellings and other buildings or firebreaks.

The proposed land division is considered appropriate in that it will not result in any physical alteration of the land or land use. Furthermore, both allotments are
of a sufficient size and shape, to accommodate the continued residential activities.

The land division is substantially consistent with the relevant provisions. In particular:

- There will be no erosion caused, as there is no physical alteration to the land
- Existing wastewater disposal schemes, independent to each dwelling, ensure wastes are managed
- The land is not prone to flooding
- Existing power and telecommunication facilities already service both dwellings independently
- There is no change to the existing collection of rainwater or stormwater run-off resulting from the division
- There is no change to the existing vehicle connection points
- Both proposed allotments have a frontage to a public road
- The division will not result in the loss of productive agricultural land
- The division will not impact on any vegetation
- The division will not impede the efficient use of primary production, value adding industries or the protection of natural resources
- Albeit that the subject land is within the Primary Production Zone, the further division of the land will not result in the fragmentation of primary production land

5.6 General Section – Natural Resources

| Objective 1: | Retention, protection and restoration of the natural resources and environment. |
| Objective 2: |
| Protection of the quality and quantity of South Australia’s surface waters, including inland and underground waters. |
| Objective 6: | 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.

**Objective 10:** Minimal disturbance and modification of the natural landform.

**Objective 13:** Protection of the scenic qualities of natural and rural landscapes.

**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.

The proposed land division will involve no change to the physical condition or use of the land. The division will not require the removal of any vegetation.

The division does not contemplate any further development on the proposed allotments. Both existing dwellings are serviced by existing independent on-site septic wastewater systems and rainwater collection.

To the extent that it is relevant, the proposed land division is consistent with **Objectives 1, 2, 6 10 & 11** and **PDC’s 1, 2, 4 & 5**.
5.7 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

**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.

The proposed development is an orderly and sustainable form of development, in that each allotment is serviced by good quality public roads and the land has access to existing infrastructure and will place no burden on public utilities or services.

In view of the land division merely formalising an existing physical situation involving existing dwellings and their independent service facilities, there is no circumstance that would prejudice the continued use of primary production on adjacent land. In any event, there exists healthy buffer distances, containing vegetation screening, between the existing dwelling and primary production activities on adjacent land.

5.8 General Section – Residential Development

**Objective 1:**

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

**PDC 1:**

Residential allotments and sites should have the appropriate orientation, area, configuration and dimensions to accommodate:

(a) the siting and construction of a dwelling and associated ancillary outbuildings
(b) the provision of landscaping and private open space

c) convenient and safe vehicle access and off street parking

d) passive energy design.

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 31:**

On-site parking and manoeuvring areas servicing development abutting arterial roads should be designed to enable all vehicles to enter and exit the site in a forward direction.
The two dwellings provide a safe, convenient, pleasant and healthy living environment for two families. The two proposed allotments are large by residential standards allowing for an attractive rural environment with suitable isolation distances from farming activities on adjacent land.

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

5.9 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.

**PDC 13:**

Development should make sufficient provision on site for the loading, unloading and turning of all traffic likely to be generated.

**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 of 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 29:

Development should provide off-street vehicle parking and specifically marked disabled car parking
places to meet anticipated demand.

No additional access points are required for Lots 25 or 26. Existing driveway
access points to North Bluff Road are adequate to service these two allotments,
consistent with PDC’s 21 & 22.

Although the subject land has a frontage to a secondary arterial road, all access is
to a local road, entirely in accord with PDC 24.

Proposed Lots 25 & 26 provide existing adequate access, parking and
manoeuvring of vehicles consistent with Objective 2 and PDC’s 1, 13, 27 & 29.
5.10 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 12:**

Development that produces any effluent should be connected to an approved waste treatment system which may include sewage, community wastewater management systems, or on-site wastewater treatment and disposal methods.

There is no requirement for a wastewater solution for the proposed allotments, as both existing dwellings have existing independent wastewater systems.

Further, water is reused with the collection of roof catchment in rainwater tanks for use within the dwellings.
6. Extent to which the proposed development complies with the Relevant Provisions of the Development Plan

While the land division 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>Albeit that Lot areas are substantially short of 100 Ha, there is no difference from the existing situation. Neutral impact on primary production. Substantially consistent with specific provisions contained in PDC’s 8, 9, 11 &amp; 12</td>
</tr>
<tr>
<td></td>
<td>Desired Character</td>
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<td></td>
<td>PDC’s 1, 2 &amp; 8 - 13</td>
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<tr>
<td>Hazards</td>
<td>Objectives 1 - 4</td>
<td>No issues in respect to hazards</td>
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<tr>
<td></td>
<td>PDC’s 1, 2, 6, 8, 10 &amp; 11</td>
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<tr>
<td>Infrastructure</td>
<td>Objectives 1, 2 &amp; 5</td>
<td>Suitable access to appropriate services</td>
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<tr>
<td></td>
<td>PDC’s 1, 2, 6 &amp; 10</td>
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<tr>
<td>Interface between Land Uses</td>
<td>Objective 1</td>
<td>Appropriate buffer distances – substantially satisfies policy</td>
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<tr>
<td></td>
<td>PDC’s 1, 2, 5 &amp; 8 - 10</td>
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<tr>
<td>Land Division</td>
<td>Objectives 2 – 4</td>
<td>Substantially satisfies policy</td>
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<tr>
<td></td>
<td>PDC’s 1, 2, 4, 5, 7, 18 &amp; 19</td>
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<tr>
<td>Natural Resources</td>
<td>Objectives 1, 2, 6, 10 &amp; 13</td>
<td>In accord with policy</td>
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<td>PDC’s 1, 2, 4 &amp; 5</td>
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<tr>
<td>Orderly and Sustainable Development</td>
<td>Objectives 1, 3 &amp; 4</td>
<td>Satisfies policy</td>
</tr>
<tr>
<td></td>
<td>PDC’s 1, 2 &amp; 7</td>
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<tr>
<td>Residential Development</td>
<td>Objective 1</td>
<td>Existing dwellings substantially in accord with policy</td>
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<td>PDC’s 1, 5, 10 &amp; 14 - 17</td>
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<td>Transportation and Access</td>
<td>Objective 1</td>
<td>Existing access, parking and manoeuvring on the proposed sites satisfy policy</td>
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<td></td>
<td>PDC's 1, 13, 21, 24, 27 &amp; 29</td>
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<tr>
<th>Waste</th>
<th>Objective 1</th>
<th>Existing wastewater facilities are in accord with policy</th>
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<tr>
<td></td>
<td>PDC's 1 &amp; 12</td>
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7. Economic, Social and Environmental Effects

**Economic**

**Employment**

The land division overlays existing development with no physical change to the land or built form. Therefore, the land division provides no positive or negative economic effect in respect to employment.

**Infrastructure**

The subject land is already serviced by an all-weather public road, telecommunication facilities and electricity supply. 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 a family could provide a social benefit in maintaining the viability of public facilities in the area.

**Environmental**

**Vehicle Movements**

There is no change to the access to the existing dwellings. Thus, the land division will create no change in vehicle generation to and from North Bluff Road and Wilkins Highway.

**Native Vegetation**

There are no stands of native vegetation on the subject land. 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 land division, 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 land division is listed as non-complying in the Primary Production Zone, there are two existing dwellings on the one existing allotment;

- The land division would not be detrimental to the primary aim of the zone of maintaining land for primary production, as the existing allotment is not used for primary production and in any event is not large enough to support a viable primary production activity;

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

- There is adequate infrastructure for the two existing dwellings and associated allotments;

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

- The proposal satisfies the various provisions relating to land division;

- There are no issues associated with natural resources;

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

- The existing dwellings on the proposed allotments will satisfy the relevant provisions of the Development Plan relating to residential development;

- There is no change to the existing suitable points of access;
• Existing 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
Application Detail

General
- Unique Id: 59488
- Development No: 422/D003/17
- Application Type: Conventional Land Division
- Application Extent: Provisional Development Plan Consent with Land Division Consent
- Land Use/Building Consent: No
- Council Name: Regional Council of Goyder
- Agents Reference: C129-17
- Short Reference: DICKING 25 NORTHALLETT
- Submitting Agents Name: Kevin Burgess & Associates Pty Ltd
- Submitted By: Kevin Burgess, Kevin Burgess & Associates Pty Ltd
- Application Status: Lodged & Submitted (No Decision)

Application Type Details: Conventional Land Division
- Total Area of Land to be Divided: 6,466 hectares
- Reserve Area: 0 hectares
- Number of existing allotments: 1
- Number of proposed allotments (excluding road and reserve): 2
- Number of additional allotments: 1

Applicant Details
- Salutation: Mr
- Name: PHILIP DICKINS
- Organisation Name:
- Address: P.O. Box 42
  Calowie SA 5490
  South Australia
  AUSTRALIA

Owner Details
- Salutation: Mr
- Name: P.J. & A.M. DICKINS
- Organisation Name:
- Address: 25 North Bluff Road
  Hallett SA 5419
  South Australia
  AUSTRALIA

Contact Details
- Salutation: Mr
- Name: Kevin Burgess
- Address: 46 Second Ave
  St. Peters 5069
  South Australia
  AUSTRALIA
- Telephone: Telephone 1: 83626555
  Telephone 2: 83626555
- Fax: Fax 1: 83620966
  Fax 2: 83620966
- Mobile:

Subject/Property Details
- House No.: 25
- Lot No.: 1
- Street: NORTH BLUFF
- Suburb/Town: Hallett
- Hundred: ANNE
- Reference Section: 422,424

Title Reference and Plan Parcel
- Title Code: Certificate of Title
- Volume: 6039
- Folio: 453
- Plan Code: D
- Plan Description: Deposited Plan
- Plan No.: 80833
- Parcel No.: A1

Other Details
- Existing Use: RURAL LIVING
- Description of Proposed Development: LAND DIVISION
- Does either schedule 21 or 22 of the No Development Regulations 1993 apply?: Notes:
- Additional Information Requests:
- Additional Fees and Payments:
- Lodgement Date: 15 Sep 2017
- Months for Development Approval Request: 12
Application Detail

Categorisation Details
- Decision Authority: Council
- Application Classification: Major
- Kind of Development: Non-Complying
- Notification Category: Not Applicable
- Zone: Primary Production
- Development Plan Map No.: Go/3
- Allocated Planner: Biljana Prokic
- Categorisation Comments: Land division is non-complying in Primary Production Zone (exceptions do not apply to this proposal)
- Categorised By: Biljana Prokic
- Categorisation Date: 22 Sep 2017

Distribution Details
- Referral Agency: Development Assessment Commission
  - Referral to Agent: SA Water Corporation
    - First Accessed: 22 Sep 2017
    - Referral State: Current
    - Due Date: 17 Nov 2017
- SA Water Corporation
  - Referral to Agent: 22 Sep 2017
  - First Accessed: 22 Sep 2017
  - Referral State: Returned on 05 Oct 2017

Decision Details
- There has not yet been a decision submitted for this application

Overturned Decision Details
- There are no overturned decision details currently available for this application

Clock Stops (Development Assessment Commission only)
- No clock stops have been set

Lodgement Fees
- Fee Invoice No.: 55474
  - Fee Invoice Date: 15 Sep 2017
  - Invoice Description: New Application Invoice
  - Fee Status: Fees Paid

  Fee Line Type Description
  - Lodgement Fee (additional allotment): 209.50
  - Land Division Fee (additional allotment): 158.00
  - Land Division Fee (per Additional Allotment): 14.90
  - Statement of Requirements Fee (additional allotment): 417.00
  - Certificate of Approval Fee (additional allotments): 247.00
  - DAC Consultation Report Fee (additional allotments): 208.00

  Invoice Total Fee ($) : 1354.40

Certificate of Approval (CoA) Details
- CoA Id: 53825
  - Stage Number: 001
  - Status: Awaiting DA Decision

Certificate of Approval (CoA) Clearance Requirements Details
- CoA Clearance Requirement Description: SA Water has no requirements pursuant to the Development Act.
- SA Water: 53825 001 SA Water Corporation
- Distribution: No Requirements

Additional DA Fees
- Additional DA Fees - Paid
  - Fee Desc: Fee Issue Date: Payment Date: Total Fee ($) Incl. GST: Detail
    - Land Division Non-Complying Admin Fee: 22 Sep 2017: 27 Sep 2017: 127.00
    - Land Division Development Assessment Fee: 22 Sep 2017: 27 Sep 2017: 141.90

- Additional DA Fees - Outstanding
  - Fee Desc: Fee Issue Date: Total Fee ($) Incl. GST: Detail
    - No Outstanding Fees to be paid

Additional CoA Fees
- There are currently no Certificate of Approval (CoA) fees generated for this application

Application Documents
- Document Title: Proposed Division Plan
  - Document Type: Proposed Plan of Division
  - Version #: 1
  - State: Uploaded
  - File Size (KB): 345180000
  - Date Uploaded: 15 Sep 2017

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**Final Plan Documents for Certificate of Approval (CoA)**

There are no Final Plans for Certificate of Approval (CoA) currently associated with this application

**Certified Certificate of Approval (CoA) Plan Documents**

There are no Certified Certificate of Approval (CoA) Plans currently associated with this application
Certificate of Title - Volume 6039 Folio 453

Parent Title(s)  CT 5466/388
Creating Dealing(s)  RTU 11194566

Estate Type
FEE SIMPLE

Registered Proprietor

PHILIP JOHN DICKINS
ANNE MAREE DICKINS
OF 25 NORTH BLUFF ROAD HALLETT SA 5419
AS JOINT TENANTS

Description of Land

ALLOTMENT 1 DEPOSITED PLAN 80833
IN THE AREA NAMED HALLETT
HUNDRED OF ANNE

Easements
NIL

Schedule of Dealings

Dealing Number  Description
12544600  MORTGAGE TO WESTPAC BANKING CORPORATION (ACN: 007 457 141)

Notations

Dealings Affecting Title  NIL
Priority Notices  NIL
Notations on Plan  NIL
Registrar-General's Notes  NIL
Administrative Interests  NIL
APPLICATION NO. 422/023/19
APPLICANT ROB EBERHARD
OWNER ROB EBERHARD
PROPOSAL FRONT PATIO
LOCATION 31 LOWER THAMES STREET, BURRA SA 5417
ZONE RESIDENTIAL ZONE
NATURE OF DEVELOPMENT CATEGORY 1
PUBLIC NOTIFICATION NIL
REPRESENTORS NIL
AGENCY REFERRALS STATE HERITAGE UNIT
RECOMMENDATION REFUSAL

DESCRIPTION OF PROPOSAL
The proposal comprises the construction of a carport/patio 3.6 metres forward of the existing front wall of the dwelling.

The proposed structure will have a length of 5.4 metres, a width of 3.6 metres with a total floor area of 19.44 square metres. The structure has a post height of 2.4 metres and is designed to be a flat roof.

PREAMBLE
The purpose of this report is to assist the Panel in its consideration and determination of the subject of this application.

The application was referred to the Minister for Environment and Water in accordance with Section 37 of the Development Act 1993 as development that directly affects a State Heritage Place or in the opinion of the relevant authority, materially affects the context within which a State heritage place is situated.

REASON FOR REPORT
What needs approval?
Where changes to a State Heritage Place involve actions that constitute ‘development’, an application for development approval is lodged with the relevant planning authority.

For State Heritage Places, ‘development’ as defined by the Development Act includes:
- Land division
- Change of use
- Any building work—which includes repairs, underpinning, excavation or fill, construction and relocation
- Demolition, removal, conversion, alterations, additions and painting and any other work that could materially affect the heritage value of a State Heritage Place.
SITE DESCRIPTION
The land is regular in shape and contains a single storey detached dwelling and is of a conventional design. An existing garage is also located on the subject land to the rear of the detached dwelling.

No easements are registered on the Certificate of Title.

31 Upper Thames Street, Burra

THE LOCALITY
The locality is residential in nature with the predominate character is of dwellings being detached, single storey and of various sizes and character.

All properties within the locality have ancillary forms of residential development, such as carports and outbuildings. In most cases, these kinds of developments have been sited to the side or rear of the associated dwelling and are located behind or in-line with the main face of the dwelling.

Overall, it is considered that the prevailing character of the locality is mixed it does provide a good level of amenity for its residents.
33 Lower Thames Street, Burra

PLANNING ASSESSMENT
The proposal is neither a Complying nor non-Complying form of development and must be considered on its merits against the relevant provisions of the Development Plan. The Development Act 1993 provides that a Planning Authority is to have regard to the relevant provisions of the Development Plan in assessing development proposals.

ZONING
The subject land is depicted in the Regional Council of Goyder Residential Zone

The land is located entirely within:

- The Residential Zone
- State Heritage Area

Procedure Matters

Classification
Neither patios/carports nor outbuildings of the nature proposed are assigned complying or non-complying forms of development in Council’s Development Plan or in the Development Regulations 2008.

As such, the proposal has been dealt with as a merit form of development.
Public Notification
The application has been assigned Category 1 pursuant to Schedule 9 of the Development Regulations 2008. No public notification was required.

Referrals
The Development Act requires a planning authority to refer a development application affecting a State Heritage Place or State Heritage Area to the Minister responsible for the Heritage Places Act.

Key Issues
The following matters are considered pertinent in reaching a recommendation for the proposal:

- Is the siting of the patio/carport appropriate; and
- Whether the location of the patio/carport will detract from the (existing and desired) character of the locality
- Is the siting of the patio/carport appropriate?

In this case, the proposed structure will protrude 3.6 metres past the existing building line of the dwelling. Currently there are no other examples of patios/carports located forward of the dwelling within the nominated locality.

As such the proposed structure will not provide consistency in terms of front setback within the streetscape. The proposal therefore, does not reinforce the predominate character and style of development within the immediate or wider community.

The intent of the provision is to keep these forms of structures as minor elements of a site, allowing the dwelling to be the principal focus. Whilst the proposed structure has been designed with minimal posts, the structure will still project forward of the ancillary dwelling, and will ultimately become the dominant feature on the land.

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.

Desired Character
Built Form
The existing character of built form and the relationships between buildings and the public realm will be maintained and enhanced. The existing building stock of Burra will largely remain intact,
with all heritage buildings and structures to be retained, restored or maintained. New built form will only be in the form of sensitive additions to existing buildings or infill development on vacant sites that is designed to complement the heritage and character features of the town.

The desired character statement envisages new built form to be of a sensitive nature and the proposed development is inconsistent with this built form.

While the proposed patio is generally considered an appropriate form of development in residential areas, it is determined that the current proposed front patio is a departure and is not acceptable and the development is not satisfying the provisions of the Development Plan with regard to visual appearance and built form.

As a result the proposed development is not considered to be consistent with the desired character statement for the Burra Residential Zone.

The Council Wide General provisions provide guidance for residential 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.

The proposed development is at odds with these principles as due to being front of the dwelling it would dominate the streetscape.

CONSULTATIONS WITH OTHER AGENCIES AND DEPARTMENTS

External
The application was referred to the State Heritage Department that assessed the application and have recommended the proposed development should not be granted consent for the following reason:

- Location of the proposed patio within the front setback of the existing dwelling will diminish the heritage values of the Burra State Heritage Area and is contrary to the Regional Council of Goyder Development Plan

There were numerous discussions between the applicant and State Heritage but unfortunately a satisfactory outcome was unable to be obtained.  
(A copy of State Heritage’s recommendation is attached)
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.

To accept a structure of this nature will likely set a precedent and the proposal is not consistent with the building form in the locality and will visually detract from the streetscape of the immediate locality.

Upon the recommendation from the State Heritage Unit and upon assessing the application against the current Development Plan and having regard to the context of the locality, it is considered that the proposal does not warrant Development Plan Consent. The location of the proposal is not consistent with the Desired Character of the Policy area nor Council Wide Provisions of Development Control. Accordingly, the proposal should be refused Development Plan Consent.

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 considered to be unreasonably 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 Approval be REFUSED to Development Application Number 422/023/19 for the following reasons:
   1. Overall, the proposal is at odds with the existing and desired character for the Zone.
   2. By virtue of the structures location, the structure will have an unreasonably visual impact on the street
   3. The proposal is considered to be at variance with the relevant provisions of the Regional Council of Goyder Development Plan consolidated 24 November 2016, in particular;
Residential Zone
PDC: 7, 10
Heritage Places
PDC: 4
Residential Development
PDC: 9
Dear Ms Barr

DESCRIPTION: PATIO - 31 LOWER THAMES STREET WITHIN THE BURRA STATE HERITAGE AREA

Application number: 422/23/19
Referral received: 12/03/2019
State heritage place: 31 Lower Thames Street, Burra

The above application has been referred to the Minister for Environment and Water in accordance with Section 37 of the Development Act 1993 as development that directly affects a State heritage place or, in the opinion of the relevant authority, materially affects the context within which a State heritage place is situated. Please note that under Section 4 of the Development Act, a State heritage place includes (b) a place within an area established as a State Heritage Area by a Development Plan.

Statement of heritage significance

The Burra State Heritage Area is of significance to the economic and social history of South Australia, and is a testament to the success of copper mining in the area. In the late 1840s, the Burra Mine made South Australia the most prosperous colony in Australia. At one stage the mine was the second largest producer of copper in the world. Comprising the mining area and a complex of what were originally separate townships which are now merged into one, the area provides evidence of early mining, industrial and urban functions with Welsh and Cornish influences.

Assessment of heritage impact

I consider the application to be unacceptable in its heritage impact for the following reason.

- Location of the proposed patio within the front setback of the existing dwelling will diminish the heritage values of the Burra State Heritage Area and is contrary to the Regional Council of Goyder Development Plan.

Recommendation

A. I therefore recommend that the application in its current form should not be granted any consent or approval.

B. The following further advice is provided for Council’s regard in determining the application.

The existing dwelling was approved under DA 422/78/10 with the only access to the rear yard through a very narrow driveway along the northern boundary, barely wide enough for a vehicle. There is a sewage treatment plant installed in front of the shed/garage in the driveway behind the house. Covered parking is provided but is not accessible under the current arrangements.
The applicant may need to consider some arrangement for right of way over or purchase of a small section of land from the adjoining northern neighbour.

General notes

1. Should Council not adopt the above recommendation in full, it will be necessary to obtain the concurrence of the State Commission Assessment Panel before a decision is conveyed to the applicant.

2. Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Environment and Water. Such changes would include for example (a) an application to vary the planning consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the planning application.

3. To ensure a satisfactory heritage outcome, the relevant planning authority is requested to consult the Department for Environment and Water in finalising any conditions or reserved matters above.


5. The relevant planning authority is requested to inform the applicant of the following requirements of the Heritage Places Act 1993.
   (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
   (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department for Environment and Water.

6. The relevant planning authority is requested to inform the applicant of the following requirements of the Aboriginal Heritage Act 1988.
   (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the Aboriginal Heritage Act 1988.

Any enquiries in relation to this application should be directed to Margaret Heathcote on telephone (08) 8124 4922 or e-mail DEW.StateHeritageDA@sa.gov.au.

Yours sincerely

Peter Wells
Principal Conservation Architect
DEPARTMENT FOR ENVIRONMENT AND WATER
as delegate of the
MINISTER FOR ENVIRONMENT AND WATER
# Regional Council of Goyder

## DEVELOPMENT APPLICATION FORM

**Development Application No.:** 422 / 023 / 19  
**Received By:** S.C.  
**Date:** 7/13/19

### APPLICANT:
- **Name:** Rob Eberhard  
- **Postal Address:** 31 Lower Thomas St, Burra

### OWNER:
- **Name:** As Applicant  
- **Postal Address:**

### BUILDER:
- **Name:** As Applicant  
- **License No.:**
- **Postal Address:**

### CONTACT PERSON:
- **Name:** Rod Freer, Steve Coombs  
- **Postal Address:** 129-131 Tingley Rd, St Agnes  
- **Mobile:** 0499600926  
- **Email:** steve.coombs@stretto.com.au

### LOCATION OF PROPOSED DEVELOPMENT:
- **Street No.:** 31  
- **Street:** Lower Thomas St  
- **Suburb:** Burra  
- **Sec No.:**  
- **Lot No.:**  
- **Hundred:**  
- **Volume No.:**  
- **Folio No.:**  
- **Ass. No.:** A63044

### DEVELOPMENT DETAILS (must be filled out to be accepted)
- **Development Cost (GST inclusive, exclude fit-out cost):** $3100  
- **Floor Area (m²):** 19.44

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

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

### DOCUMENTS TO BE SUPPLIED WITH APPLICATION
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31 LOWER THAMES ST
BURRA

CONNECT TO EXISTING STORMWATER
PLEASE CHECK THAT ALL ORDER DETAILS ARE CORRECT.
YOUR ORDER IS NOW BEING PROCESSED BASED ON THE FOLLOWING DETAILS.

JOB DETAILS
DESIGN NUMBER: 00569949
SALES PERSON: Mr Steve Coombs
DELIVERY DETAILS
DELIVERY INSTRUCTIONS: 31 Lowe Thames St, Burna

CUSTOMER DETAILS
CLIENT NAME: Mr. Rob Eberhard
PHONE NUMBER: 0407728001
ACCOUNT CODE: *PP15

ADDITIONAL INSTRUCTIONS:

Unit
Design Type: Flat Attached Type IA

Site Details
Wind Speed: N3

Components
140 Column Wraps: No
Back Channel Details: Standard Back Channel
Beam Type: 150 Outback Beam
Column Size: 68 Outback Column
Downpipe Type: Downpipe 75mm PVC
Fixing Of Back Channel: Attached To Fascia
Gutter Type: Outback Edge 160 Gutter

Colours
Column Colour: Desert™
Downpipe Colour: Merino
External Beam Colour: Desert™
Gutter Colour: Merino
Roof Colour: Desert™

Dimensions (Outside Frames)
Deck Overhang: 0
Height: 2400mm
Length: 5400mm
Width: 3600mm

Engineering
Column Spacing: 6150mm

Roof Details
Deck Type: Outback Deck
Number of Rooflites: 0

Footing Details
Footing Size: 350x350x650, 60mm corbel
Footing Type: In Ground
Use Welded Base Plates: No

Reinforcement Components
Universal Fascia Strengthening Bracket To Suit Steel Fascia: 5

CUSTOMER SIGNATURE: ____________________________
DATE: 28/02/2019
Thank you for the opportunity to prepare a quotation for your new exciting home improvement project.

Stratco is the leading manufacturer and supplier of verandah patio systems throughout Australia with the Outback providing superior customer satisfaction for well over 15 years.

As can be seen in the enclosed brochure, the Stratco Outback has the most comprehensive range of innovative designs, colours and accessories on the market. These can be easily integrated with each other to create a truly unique outdoor living experience tailored to your individual needs.

Manufactured from high tensile, high gloss steel, the Stratco Outback is the ultimate way to improve the look, functionality and value of your home. To ensure you get the maximum value from this investment we have also enclosed our "Selection, Use and Maintenance" brochure for your reference.

From our recent consultation, we have prepared the following quotation and attached a drawing for an Outback verandah patio design which we believe will best suit your needs.

This estimate includes the standard Stratco recommendation for attaching the proposed verandah/patio to the existing dwelling based on normal conditions.

It has been provided without any inspection of the existing premises and relies on the existing structure being sound, as the number and nature of reinforcing brackets will depend on the nature and adequacy of the existing structure. It is the builder's responsibility to ensure the structure to which the verandah is being attached to is capable of withstanding the additional loads, and that all brackets are capable of adequately transferring these loads. It is advisable to first check with a structural engineer or your local government authority to determine any specific requirements for attachment to existing dwellings.

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**STRAITCO OUTBACK VERANDAH**

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<tr>
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**TOTAL QUOTE INCLUDING 10% GST**

\[ \$3,063.45 \]

This quotation is for supply only of a custom manufactured kit. If you would prefer someone to install your Outback verandah patio, we can arrange one of our professional Authorised Dealers to prepare a supply & install quotation for you.

Once again, thank you for this opportunity and please give me a call if you would like any additional information.

Kind Regards,

Mr Steve Coombs

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Stratco will not accept responsibility for quantities indicated in the above quotation as they have been obtained from preliminary information. Actual requirements should be checked on site. However, the client will be charged for the material supplied, at the rates used in the quotation.