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 Tuesday 29th January 2019.

Fiona Barr
DEVELOPMENT ASSESSMENT MANAGER

24th January 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 1 August 2018 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
   422/010/18 Longridge Group Pty Ltd
   2nd Single Storey Detached Dwelling.
4.1.2 Category 3 – Non-Complying
422/D003/17 Philip Dickins
Land Division (one into 2)

4.1.3 Category 3 – Non-Complying
422/090/18 Kip J Dunstan
Managers Residence, shed and rainwater tank

5. CORRESPONDENCE
Nil

6. OTHER BUSINESS

7. NEXT MEETING

8. CLOSE OF MEETING
BACKGROUND
The subject development was originally lodged with the Regional Council of Goyder on the 1st February 2018 for a 2nd Single Storey Timber Framed Dwelling.

The proposal was previously considered at the 1st August 2018 Regional Council of Goyder Council Assessment Panel (CAP) meeting, and was deferred due to concerns regarding the lack of information provided.

Moved: Mr Neil Purdam
Seconded: Mr John Neal

CAP 12/18 The Regional Council of Goyder Assessment Panel resolves that:

1. The Panel defers the matter for Council to advise the applicant that they require a SOE – Statement of Effect and comprehensive reasons for the retention of the existing dwelling for storage purposes.

CARRIED

REASON FOR REPORT

Since the 1st August 2018 Council Assessment Panel Meeting Council has liaised both written and verbally with the applicant regarding requiring further information to which no response has been received.
ADDITIONAL INFORMATION
Development Regulations 19

A relevant authority may request, in writing, that the applicant provide additional information. The relevant authority may decline to proceed further until the applicant has complied with the request.

The time limits applying to the making of a decision are then extended by the period between the date the relevant authority requested the additional information, and the receipt of it.

If the applicant fails to provide the information, the relevant authority may refuse the application. This enables the relevant authority to finalise applications where there does not appear to be any strong intention or commitment on the part of the applicant to undertake the proposed development.

19—Period for additional information and other matters
(1) Pursuant to section 39(3)(b) of the Act, if a request is made by a relevant authority under section 39(2) of the Act, the request must be complied with by the applicant as follows:
(a) in the case of a request in respect of development that falls within a class of development prescribed by these regulations for the purposes of section 39(2b)(a) of the Act—within the period of 30 days from the date of the request;

RECOMMENDATION

That the Regional Council of Goyder Council Assessment Panel resolves:

1. Pursuant to Section 39(3) of the Development Act 1993 Development Application 422/010/18 for a 2nd single storey dwelling at Lot 101 Australia Plains Road, Australia Plains SA 5374 is REFUSED as the requested information has not been provided within the specified timeframe.
APPLICATION NO. 422/D003/17
APPLICANT PHILIP DICKINS
OWNER PHILIP DICKINS
PROPOSAL LAND DIVISION (ONE INTO TWO)
LOCATION LOT 1 25 NORTH BLUFF HALLETT SA 5419
ZONE PRIMARY PRODUCTION ZONE
NATURE OF DEVELOPMENT CATEGORY 3 NON-COMPLYING
PUBLIC NOTIFICATION NOT YET UNDERTAKEN
AGENCY REFERRALS STATE COMMISSION ASSESSMENT PANEL
RECOMMENDATION PROCEED WITH APPLICATION

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.

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

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. As such a Statement of Support was requested by Council.

For various reasons the applicant has not proceeded with the application till now.

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.
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:**
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 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

If the Panel concurs with my recommendation, an assessment of the land division application will be sought from Council's Technical Services Department.

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
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.

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:

1. To proceed with the assessment of the proposal to divide one allotment into two allotments, Development Application 422/D003/17, pursuant to Regulation 17(3)(b) of the Development Regulations 2008.
Our Ref: 1825/128

13 December 2018

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

Attention: Ms Fiona Barr
Development Assessment Manager

Dear Fiona

Re: DA 422/D003/2018 – Land Division – Allotment 1, 25 North Bluff Road, Hallett

I write on behalf of the applicants, Philip & Anne Maree Dickins, in regard to the proposal in DA No 422/D003/18 for the land division of Allotment 1 in DP80833, Hundred of Anne, 25 North Bluff Road, Hallett.

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

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>Lot 1</th>
<th>Area</th>
<th>Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6.466 Ha</td>
<td>171.98m – Wilkins Highway</td>
</tr>
<tr>
<td></td>
<td></td>
<td>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. Background

My clients purchased the property about three years ago. My clients occupy 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.

3. 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>
<tr>
<td>26</td>
<td>1.137 Ha</td>
<td>102.49m – 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.
4. **Locality of the Development**

The subject land is situated adjacent the Wilkins Highway between the towns of 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.

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.

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.’

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

6. **Planning Provisions**

The subject areas covered by the provisions of the Goyder Council Development Plan 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
- 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 - 13**

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, 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.

6.2 General Section - Hazards

**Objective 1 - 4**

**PDC’s 1, 2, 6, 8, 10 & 11**
The development satisfies the criteria contained in the Development Plan in the following respects:

- 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;
- 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.

6.3 General Section – Infrastructure

<table>
<thead>
<tr>
<th>Objectives 1, 2 &amp; 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>PDC’s 1, 2, 6 &amp; 10</td>
</tr>
</tbody>
</table>

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.

6.4 General Section – Interface Between Land Uses

<table>
<thead>
<tr>
<th>Objective 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>PDC’s 1, 2, 5 &amp; 8 - 10</td>
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</table>

There should be no interface issues considering that there is no change to the use of the land. The two existing dwellings are separated from agricultural activities on adjacent land and 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.

6.5 General Section – Land Division

<table>
<thead>
<tr>
<th>Objectives 2 - 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>PDC’s 1, 2, 4, 5, 7,18 &amp; 19</td>
</tr>
</tbody>
</table>
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 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

6.6 General Section – Natural Resources

Objectives 1, 2, 6, 10 & 13
PDC’s 1, 2, 4 & 5

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.

6.7 General Section – Orderly and Sustainable Development

Objectives 1, 3 & 4
PDC’s 1, 2 & 7
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.

6.8 General Section – Residential Development

**Objective 1**

*PDC’s 1, 5, 10 & 14 – 17*

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 and access etc.

6.9 General Section – Transportation and Access

**Objective 1**

*PDC’s 1, 13, 21, 24, 27 & 29*

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.

Proposed Lots 25 & 26 provide existing adequate access, parking and manoeuvring of vehicles consistent with *PDC’s 13, 24, 27 & 29.*

6.10 General Section – Waste

**Objective 1**

*PDC’s 1 & 12*
There is no requirement for a wastewater solution for the proposed allotments, as both existing dwellings have existing independent wastewater systems.

7. **Summary**

Whilst recognising the non-complying nature of the proposed land division, 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 the proposal use 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; and

- Existing 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
Re: Proposed Development Application No. 422/D003/17 (ID 59488)
by Philip Dickins

Further to my letter dated 29th September 2017 and to assist the Council in reaching a decision on this application, copies of the reports received by the State Commission Assessment Panel (SCAP) from agencies that it has consulted have been uploaded for your consideration.

Should Council decide to approve this application, the following requirements of the SCAP must be included as a condition of approval, pursuant to Section 33 (1) (c) of the Development Act.

1. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

The SCAP does not generally support non-complying land division applications without adequate and detailed justification.

Should Council decide to approve this proposal as a non-complying land division, all relevant details pertaining to the application will need to be sent to the SCAP for concurrence purposes. You are referred to Section 35 (3) of the Development Act 1993 and Regulation 25 (b) of the Development Regulations 2008 with respect to the details required.

Yours faithfully

Brett Miller
TEAM LEADER – PLANNING SERVICES
as delegate of the
STATE COMMISSION ASSESSMENT PANEL
05 October 2017

Our Ref: H0064489

The Chairman
Development Assessment Commission
136 North Terrace
ADELAIDE SA 5000

Dear Sir/Madam

PROPOSED LAND DIVISION APPLICATION NO: 422/D003/17 AT HALLETT

In response to the abovementioned proposal, I advise that this Corporation has no requirements pursuant to Section 33 of the Development Act.

NO DIRECT WATER OR SEWER AVAILABLE

Yours faithfully

TONY PANNUNZIO
for MANAGER LAND DEVELOPMENT & CONNECTIONS
Application Detail

General

Unique Id : 59498  
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 : CL129-17  
Short Reference : DICKINS 25 NORTHALLLET  
Submitting Agents Name : Kevin Burgess & Associates Pty Ltd  
Submitted By : Kevin Burgess, Kevin Burgess & Associates Pty Ltd  
Application Status : Lodged & Distributed (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) :  
Number of additional allotments : 1

Applicant Details

Salutation Name Organisation Name
Mr PHILIP DICKINS

Owner Details

Salutation Name Organisation Name
Mr P.J. B.A.M. DICKINS

Contact Details

Salutation Name Address Telephone Fax Email
Mr Kevin Burgess 46 Second Ave Telephone 1 : 83626665  
St. Peters 5069 Fax 1 : 83670966 kevinburgess5@oogpoond.com  
South Australia Telephone 2 : Fax 2 :
AUSTRALIA

Subject/Property Details

House No. : 25  
Lot No. : 1  
Street : NORTH BLUFF  
Suburb/Town : HALLETT  
Hundred : ANNE  
Reference Section : 423,424

Title Reference and Plan Parcel

<table>
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<tr>
<th>CT</th>
<th>Title Description</th>
<th>Volume</th>
<th>Folio</th>
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<tr>
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<td>Certificate of Title</td>
<td>6039</td>
<td>453</td>
<td>D</td>
<td>Deposited Plan</td>
<td>80833</td>
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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
### 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

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<th>Referral State</th>
<th>Due Date</th>
<th>Response</th>
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<tr>
<td>SA Water Corporation</td>
<td>First Accessed</td>
<td>17 Nov 2017</td>
<td>Show</td>
</tr>
<tr>
<td>Decision Authority</td>
<td>Distributed for Decision</td>
<td>Returned on 05 Oct 2017</td>
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</tbody>
</table>

### 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

<table>
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<tr>
<th>Fee Invoice No.</th>
<th>Fee Invoice Date</th>
<th>Invoice Description</th>
<th>Fee Status</th>
<th>Fee</th>
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<tbody>
<tr>
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<td>15 Sep 2017</td>
<td>New Application Invoice</td>
<td>Fees Paid</td>
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</table>

- **Fee Line Item Description**
  - Lodgement Fee (additional allotment)
  - Land Division Fee (additional allotment)
  - Land Division Fee (per Additional Allotment)
  - Statement of Requirements Fee (additional allotment)
  - Certificate of Approval Fee (additional allotments)
  - DAC Consultation Report Fee (additional allotments)

### Certificate of Approval (CoA) Details

<table>
<thead>
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### Certificate of Approval (CoA) Clearance Requirements Details
- **CoA Clearance Requirement Description**
- **SA Water has no requirements pursuant to the Development Act.**
- **No Requirements**

### Additional DA Fees

- **Additional DA Fees - Paid**
  - Fee Desc: Lodgement Fee Non-Complying Admin Fee 1
  - Fee Desc: Lodgement Fee (additional allotment)
  - Fee Desc: Land Division Fee (additional allotment)
  - Fee Desc: Land Division Fee (per Additional Allotment)
  - Fee Desc: Statement of Requirements Fee (additional allotment)
  - Fee Desc: Certificate of Approval Fee (additional allotments)
  - Fee Desc: DAC Consultation Report Fee (additional allotments)

- **Total Fee (Excl. GST):** 1354.40

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

### Application Documents

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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

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Government of South Australia
Department of Planning, Transport and Infrastructure

Tax Invoice / Receipt

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Agency: Department of Planning, Transport and Infrastructure
Address: PO Box 1815, Adelaide SA 5001
Phone: 7109 7018

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APPLICATION DETAILS
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Development Number: 422/D003/17
Agents Reference: C129-17
Applicant: Mr PHILIP DICKINS
Owner: Mr P.J. & A.M. DICKINS
Type: CreditCard
Agent: Kevin Burgess & Associates Pty Ltd
Address: 46 Second Ave St. Peters 5069
   South Australia

TRANSACTION DETAILS
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Government of South Australia
Department of Planning, Transport and Infrastructure

Tax Invoice / Receipt

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APPLICATION DETAILS
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Development Number: 422/D003/17
Agents Reference: C129-17
Applicant: Mr PHILIP DICKINS
Owner: Mr P.J. & A.M. DICKINS
Type: Additional Fees
Agent: Kevin Burgess & Associates Pty Ltd
Address: 46 Second Ave St. Peters 5069
South Australia

TRANSACTION DETAILS
Received: Wednesday, 27 Sep 2017
Receipt Ref. No: 77276021552
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Amount Paid: $268.90
Payment Method: Credit Card
29 September 2017

Mr John Brak  
Chief Executive Officer  
Regional Council of Goyder  
1 Market Square  
BURRA  SA  5417

Dear Sir/Madam

Re: Proposed Development Application No. 422/D003/17 (ID 59488) for Land Division by Philip Dickins

The above-mentioned land division application has been lodged with the Development Assessment Commission. The Council is the relevant authority. I can advise that the application is a kind of development that is classified as non-complying within Council’s Development Plan.

The Council is required by Regulation 17 of the Development Regulations 2008 to decide whether or not to proceed with an assessment of the application. As a non-complying development, the application may be refused without proceeding to an assessment or at any time during the assessment process (Refer: Section 39(4)(d) of the Development Act 1993).

A more detailed planning consultation report on the merits of the application will not be provided by the Commission. In due course, SA Water and DAC land division requirements will be conveyed to the Council. Technical and environmental reports from state agency and referral bodies can be viewed on EDALA.

Should the Council wish to grant consent to the development, the Council must first seek the concurrence of the Development Assessment Commission pursuant to Section 35(3) of the Development Act 1993 prior to the granting of this consent. Please refer to Regulation 25 of the Development Regulations 2008 for the documentation required for the Commission to consider a concurrence request.

The Commission does not generally support non-complying land division applications without adequate and detailed justification. However, all relevant documentation, including proposal plans, planning statements, agency reports, technical papers, public representations, Council’s assessment report (including recommended conditions) and policies within the Development Plan will be taken into account.

A three month period should be allowed for a concurrence request to be considered by the Commission.

Yours faithfully

Mark Adcock  
PRINCIPAL PLANNER  
DAC SECRETARIAT  
as delegate of the  
DEVELOPMENT ASSESSMENT COMMISSION
DESCRIPTION OF PROPOSAL
The applicant seeks Development Plan Consent for the construction of a single storey detached dwelling to be used as a Managers Residence that will be the second dwelling on the allotment. The proposed dwelling is to be disposed as:

- 4 bedrooms
- Living room
- Kitchen
- Dining Room
- Games Room
- 2 bathrooms
- Verandah under the main room

The total floor area of all the buildings will be 603sqm, consisting of the 242sqm dwelling, 181sqm verandahs, 168sqm outbuilding and 12sqm water tank. With the total floor area footprint for the built form of the development being approximately 1000sqm, this would be contained within a total footprint of 2 hectares, including the all-weather access road. This will leave 147.33 hectares for existing uses.
96 Boggy Road, Ngapala

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.

REASON FOR REPORT
The subject application is a non-complying form of development and therefore is presented to the CAP for a decision as Council staff does 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. 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 requiring Category 3 Public Notification.

BACKGROUND
The Dunstan family run an environmentally sustainable grazing operation in the area, involving in the order of approximately 650 hectares of prime agricultural land, also containing important stands of native vegetation which contain Peppermint Box Grassy Woodland which is listed as Critically Endangered by the Department of Environment, Water, Heritage and the Arts in 2008.
Approximately 120 hectares has been managed by the family for the past 10 years under the Federal Government’s Stewardship Program, which includes no grazing animals, weed and pest management and the revegetation of native plant species in the conservation areas.

Not all the Dunstan’s land holdings are contiguous, as additional land has been aggregated over the years to ensure economies of scale are achieved in their grazing operation.

The Dunstan family commenced farming in the area in 1906 with the purchase of land (adjoining Section 324 separated by Ngapala Road) located at 399 Schulz Road (CT5715/489).

In regard to Section 324 of 149 hectares, this has been in the family’s ownership for four generations.

SITE DESCRIPTION
The subject land is formally described as Section 324, H 160300, Hundred of Julia Creek, CT 5715/61, 96 Boggy Road, Ngapala. The adjacent land to the north, west and south contains a mixture of native vegetation and arable farmland and to the east is predominantly arable farmland.

Access to the site is via Boggy Road, with a 60 metre length of the unmade Gerkie Gap Road (continuation of Boggy Road) to be upgraded to all-weather access by the applicant.

Boggy Road, Ngapala
Directly to the west, north and south is grazing and cereal cropping, while to the direct east and further west and south, large stands of native vegetation exist. All boundaries of the property are fenced to a height of approximately 1.2 metres, with traditional post and wire fencing.

The southern property boundary addresses Boggy Road (a ‘local traffic’ unsealed ‘cul-de-sac’ road) which continues into a portion of Gerkie Gap Road, the eastern property boundary addresses the Heysen Trail. The western boundary is also the common boundary between the Regional Council of Goyder and the Clare & Gilbert Council.

The subject land is located in an area that has two main land uses of grazing and conservation. The existing land is open arable land, containing native vegetation, a dwelling, outbuildings and several dams, with a total area of 149.33 hectares (369 acres).

*Jim and Ronda Dunstan’s dwelling viewed from Boggy Road.*

The subject land is located in the Primary Production Zone and is relatively flat. The land features a dwelling and numerous outbuildings. The subject land is sited approximately 20 kilometres from Eudunda and is surrounded by predominately Primary Production allotments, most include residential dwellings and outbuildings.
The subject land 96 Boggy Road, Ngapala

NON-COMPLYING DEVELOPMENT
The Regional Council of Goyder Development Plan indicates that the allotment lies wholly in the Primary Production Zone and the zone states that a dwelling except for a detached dwelling that will not result in more than one dwelling on the allotment in the Primary Production Zone, is a non-complying form of development. As such, the proposed development is to be processed as a non-complying development.

Council forwarded the applicant documentation in November 2018 advising of the Category 3 non-complying development and the requirements under Regulation 17 (1) of the Development Regulations 2008.

If the Council Assessment Panel (CAP) proposes to grant the application Development Plan Consent concurrence from the State Commission Assessment Panel (SCAP) will be sought.

For a Development Plan Consent to be granted to a non-complying development proposal, both the CAP and SCAP must support the proposal. The applicant has no rights of appeal to a decision relating to a non-complying 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 17(1).
A statement in support of the proposal was provided with the application in accordance with Regulation 17 of the Development Regulations 2008. After review of the statement, it was determined that the development displayed sufficient merit to resolve to proceed with a full assessment of the proposal against the provisions of Council’s Development Plan and a statement of effect was provided.

A copy of the statement in support and statement of effect are attached.

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 focusing on the fact that the proposed development will not impact upon the locality and environment.

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.

STATEMENT OF EFFECT
As stated above Section 17 of the Development Regulations 2008, require that most non-complying development need a Statement of Effect to be submitted before a decision can be made on the application.

As the subject site currently has a dwelling and at the completion of the new dwelling, it is considered that the proposed development will not result in any negative, social, economic or environmental effects on the locality.

PUBLIC NOTIFICATION
The application was notified as a Category 3 development pursuant to Section 38 of the Development Act 1993. Public notification was undertaken by directly contacting adjoining owners and occupiers of land, those potentially affected to a significant degree and also via a public notice in The Leader and Northern Argus newspaper on Wednesday 21 November 2018 for 10 business days.
No Representations were received in response to the public notification.

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.

**Existing Land Use**
The existing use of the land comprises existing dwelling, sheds, extensive gardens, native trees and dams with the majority of the cluster of structures being carefully sited amongst approximately 14 hectares of native vegetation which ensures screening from Boggy Road.

The proposed development seeks to function as a working residence for the Manager Kip Dunstan who is the son of the current owners Jim and Ronda Dunstan.

The subject land is located in the Primary Production Zone of the Regional Council of Goyder Development Plan, Consolidated 24 November 2016, where the desired character statement for the Zone envisages the following:

*land opposite 96 Boggy Road*

**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.

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 development is intended to directly support the existing farming land use and thus is entirely consistent with the objectives of the zone. The development will facilitate the ongoing viability of the existing farming enterprise to which it is associated with. 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.

The development will still directly support the use of the land as currently used for agricultural production which is specifically contemplated by Objective 1 and 2.

In the judgement in the Supreme Court case of Evans v Wakefield Regional Council (2009 SASC 238) further supports this application. This case involved an appeal against the Environment Resources and Development Court to dismiss the applicant’s appeal against the Wakefield Regional Council’s refusal of a second dwelling on the allotment. The development involved the conversion of an existing dwelling to a manager’s residence and the construction of a new dwelling for the land owner on a site which operates an existing feedlot and cropping, in this case, the proprietor had input into the operations of the farm however did not operate all the machinery or undertake all of the land management himself.

The judgement provided guidance on interpreting the intent of provisions within the development plan rather than focusing on those developments listed as complying and non-complying to decide where a development might be appropriate. The key aspect of this judgement which is particularly relevant to the development proposed with this application are summarised below:

- The loss of land for primary production was negligible,
- The objective of the zone sought development for farming and diversified rural based industries to enhance the viability of the agricultural sector. The development was intended for exactly that purpose and thus entirely consistent with the zone.
- The farming operations will benefit from closer round the clock supervision which in turn enables the proprietor to contribute to monitor the proper management of this agricultural investment.
The guidance offered by this case emphasises the importance of the relationship a development has to the land and the zone objectives and not simply its procedural status as a non-complying development. The first objective of the Primary Production Zone seeks economically productive, efficient and environmentally sustainable primary production, to which the proposed development directly responds. Additionally, the development will not compromise the continuation of existing farming land uses.

The siting of the dwelling has been thoughtfully selected with regard to the existing land uses within the locality and the needs of the farm. The site of the dwelling is currently not used for any purpose associated with the farm therefore there is no loss of land dedicated to any active cropping or intensive animal keeping uses of the land.

In assessing the application, the following Council Wide and Zone provisions are considered relevant.

**Primary Production Zone**
Objectives: 1, 2, 3 & 5  
Principles of Development Control: 1, 2, 8 (b), and 9 (a,b,c), 11

**COUNCIL WIDE**

**Design and Appearance**
Objective: 1  
Principles of Development Control: 2, 3, 4, 6, 8, 13, 18(a,b,c)

**Interface between Land Uses**
Objectives: 1  
Principles of Development Control: 1(a-h), 2, 4, 6, 10

**Orderly and Sustainable Development**
Objectives: 1, 2, 3, 4, 5  
Principles of Development Control: 1, 2, 3, 8

**Residential Development**
Objectives: 1  
Principles of Development Control: 5, 7 (a-b), 10(a), 14(a)-(g), 16

**Siting and Visibility**
Objectives: 1  
Principles of Development Control: 1(a-c), 2(b), 3(a), 4(a-c), 5, 6, 7, 8(a-b)
The above provisions of the Development Plan are considered most relevant to this application and are discussed below.

From a policy perspective, the Primary Production Zone seeks to restrict the establishment of dwellings on rural land unless there is a demonstrated connection with farming or other Primary Production activities and 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.

The application is assessed against the Primary Production Zone policy as the development site is located wholly within this zone. The Primary Production Zone envisages farming and associated uses, along with opportunities for diversification through to small scale tourist accommodation and the protection of the Primary Production from encroachment by incompatible land uses.

**Principles of Development Control**

1. The following forms of development are envisaged in the zone:
   - Farming
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.
3. Buildings should primarily be limited to farm buildings, a detached dwelling associated with primary production on the allotment and residential outbuildings that are:
   - (b) screened from public roads and adjacent land by existing vegetation or landscaped buffers.
4. 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
5. Structures and buildings should generally be set back a minimum of 30 metres from all road boundaries.

The proposed dwelling meets the majority of the Primary Production Zone requirements relating to dwellings.

The proposal is unlikely to affect the predominant existing or future character of the locality, in terms of use and displays sufficient merit when assessed against the relevant provisions for rural development.

**COUNCIL WIDE – GENERAL SECTION**

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.

**Design and Appearance**

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

**Principles of Development Control**
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 locality and with the context of its setting with regard to shape, size, materials and colour.
3. Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walling facing areas exposed to public view.
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

6. Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces.
8. The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare.
13. Buildings (other than ancillary buildings or group dwellings) should be designed so that their Main façade faces the primary street frontage of the land on which they are situated.
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 dwelling is a single storey design and although design and appearance is not the primary concern relating to this development, it is important to consider the visual impact of the building. As discussed earlier in this report, the development has been thoroughly sited on the land to ensure the continuation of existing land uses. Additionally, the siting of the development
will maintain the rural character of the locality and have limited visual impact beyond the subject land.

The proposed development is considered to be minimal in its impact in terms of scale in the context of the existing land uses and locality. In achieving consistency and interface between land uses, orderly and sustainable development, siting and visibility provisions, the proposed dwelling is relatively unobtrusive within the rural landscape when viewed from Boggy Road.

All existing vegetation located on the subject land will be retained which will assist in obscuring the development.

The view of the subject land from Boggy Road when driving easterly

**Interface between Land Uses**

**Objective**

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

**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.

2 Development should be designed and sited to minimise negative impact on existing and potential future land uses considered appropriate in the locality.

4 Residential development adjacent to non-residential zones and land uses should be located, designed and/or sited to protect residents from potential adverse impacts from non-residential activities.

6 Development should be designed, constructed and sited to minimise negative impacts of noise and to avoid unreasonable interference.

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

Given that the proposed second dwelling is inconsistent with the relevant requirements of the zone. The purpose of the relevant provisions is to ensure that development is located and designed to minimise adverse impact and conflict between land uses. The proposed development is unlikely to cause adverse impacts to the existing land uses in the surrounding locality as land uses consist of grazing and cropping and given the open nature of adjoining land, it is considered that there would be no adverse interface or material amenity impacts resulting from the proposed dwelling on the subject land.

The proposed development is considered to be consistent with the above provisions.

*Surrounding land uses will not be impacted*
Orderly and Sustainable Development

Objectives
1. Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.
3. Development that does not jeopardise the continuance of adjoining authorised land uses.
4. Development that does not jeopardise the achievement of the provisions of the Development Plan.
5. Development abutting adjoining Council areas having regard to the policies of that Council’s Development Plan.

Principles of Development Control
1. Development should not prejudice the development of a zone for its intended purpose.
2. Land outside of townships and settlements should be primarily be used for primary production and conservation purposes.
3. The economic base of the region should be expanded in a sustainable manner.
8. Vacant or underutilised land should be developed in an efficient and co-ordinated manner to not prejudice the orderly development of adjacent land.

The above relevant provisions of Council’s Development Plan encourage orderly and economical 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 to enable the efficient provision of public services and facilities and in a way that does not prejudice the achievement of the provisions of the Development Plan. Above all, development should not prejudice the development of a zone for its intended use.

The access to the site is via Boggy Road and the applicant has advised Council that they are prepared for the road to be upgraded to an all-weather access road in accordance with Council’s Road and Works Policy requirements. The proposed development will have no impact on the current local road network.

A contributing factor to this application showing merit is the fact that whilst the appearance of the site will now include another built structure the impact of this on the character of the area is minimal.

I believe that there will be minimal impact, and am of the opinion that the proposal does not diminish the extent of land available for primary production/agricultural purposes and therefor represents an appropriate form of development.

Residential Development

Objective
1. Safe, convenient, pleasant and healthy-living environments that meet the needs and preferences of the Community.
**Principles of Development Control**

5 Entries to dwellings should be clearly visible from the streets that they front to enable visitors to identify a specific dwelling easily.

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

10 Dwellings should be set back from allotment or site boundaries to:
   (a) Contribute to the desired character of the area

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.

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.

The existing uses of the land will remain and therefore it is not considered to have any additional impact on the rural character of the locality.

The proposed development does not protrude forward of the building line of the existing dwelling. The proposal would not cause overdevelopment on the subject land and the dwelling is not considered to dominate or adversely affect the character of the locality.

It is considered unlikely that the height and size of the dwelling would have any significant visual impact when viewed externally from the site.

The proposed development is consistent with the Council Wide Residential Development provisions of the Development Plan.

**Siting and Visibility**

**Objective**

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

**Principles of Development Control**

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.
2 Buildings should be sited in unobtrusive locations and, in particular, should:
   (b) where possible be sited in such a way to be screened by existing vegetation when viewed from public roads.
3 Buildings outside of urban areas and in undulating landscapes should be sited in unobtrusive locations and in particular should be:
   (a) sited below the ridgeline
4 Buildings and structures should be designed 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.
5 The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.
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.
7 Driveways and access tracks should be designed and constructed to blend sympathetically with the landscape and to minimise interference with natural vegetation and landforms, and be surfaced with dark materials.
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

The relevant provisions of the 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 the plans submitted with this application show the building is located some 200 metres from Boggy Road with vegetation and other outbuildings located in front of the proposed dwelling hence screening from view.

The setback distances are sufficient to ensure that the location of the dwelling will have minimal, if any impact on any adjoining farm operations.
The proposed dwelling will be sited behind the pine trees

Given the locational attributes of the building, and the extensive distances from any of the nearby property boundaries it is my assessment that it will have minimal if any impact on the locality. Therefore, it is considered that the proposed development will not detrimentally impact on the level of amenity that exists in the locality for a number of reasons. The siting and design of the dwelling approximately to the rear of the current dwelling will limit its visual impact on the locality. Furthermore, the scale, materials and external colours are deemed acceptable when balanced against the relevant provisions of the Development Plan.

Whilst the development is not clustered with other buildings on the land, it has been sited to be unobtrusive and will not be at all visually notable within the locality. Therefore in accordance with the above provisions of the Development Plan I consider that the building being located in an unobtrusive location, complies with the intent of Principle 1 and 2 of the Siting and Design principles of the Development Plan.

Stormwater Management
The stormwater from the proposed dwelling is to be directed into a 104,000 litre rain water tank that will ensure any overflow will be dispersed and managed on site.

The subject land is considered to be of a size which will enable stormwater to be adequately managed without the risk of discharging to adjacent private property.
CONSULTATIONS WITH OTHER AGENCIES AND DEPARTMENTS
This Development Application does not trigger any mandatory referrals as listed in Schedule 8, of the Development Regulations 2008.

Internal
Councils Technical Services Department have been consulted in relation to the proposed development and have raised no issues with the proposal.

External
The application is required to be referred to the State Commission Assessment Panel (SCAP), should the Council's Assessment Panel resolve to support the application. The SCAP will need to concur with the decision of the Panel, prior to a Decision Notification being issued.

SUMMARY
Although the development plan identifies the proposal as a non-complying form of development, the relationship of the development to the existing land use and its purpose to secure long term viability of the existing farming operation is consistent with the objectives of the Primary Production Zone. Additionally, the proposal does not offend the broader general principles and objectives of the development plan.

The proposal will not inhibit the continuation of any existing farming and primary industry operations already established in the locality, nor will it restrict additional suitable land uses from being developed in the future which is a key objective of the zone. The siting of the building on the land will also maintain the amount of viable land available for primary production purposes and contribute to the ongoing maintenance of the operations on the site. Furthermore, the development can be adequately serviced with the relevant infrastructure and is sited and designed to have minimal impact on the rural character.

Despite the non-complying nature, the development plan seeks the sustainability of farming enterprises with ancillary impacts to be well managed. The provision of a manager's residence to the site promotes the high standard of management practices necessary to ensure the rural character of the locality is not compromised.

It is established law that no provision in a Development Plan is mandatory and having regard to the relevant provisions of the Regional Council of Goyder Development Plan dated 24 November 2016, the subject land and locality the proposed development is not seriously at variance from the development plan. Development Plan Consent is recommended upon concurrence of the State Commission Assessment Panel (SCAP).

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 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 422/090/18 for a Managers residence, shed & rainwater tank at 96 Boggy Road, Ngapala SA 5374 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.

Conditions

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 422/090/18 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 road works deemed to be required to facilitate safe access shall be designed and constructed to comply with the Regional Council of Goyder’s Road and Works Policy, with 50% of all costs (including, but not limited to design, construction and any changes to infrastructure such as road drainage) to be borne by the applicant. Prior to undertaking any detailed design, the applicant shall contact the Regional Council of Goyder Technical Services Department on 8892 0100 to obtain approval and discuss any technical issues regarding the required works. All road works shall be completed prior to the commencement of the business.

5. A minimum supply of five thousand (5000) litres of water shall be available at all times for bushfire fighting purposes.

_Reason:_ To ensure the proposal is established in accordance with the submitted plans

6. All stormwater is to be retained onsite.

_Reason:_ To prevent property damage caused by stormwater

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.

Reasons for Council's Decision:

The above conditions were imposed upon the Development Plan Consent notice pursuant to Section 42 of the Development Act 1993 (as amended).

- To ensure the development proceeds in an orderly manner,
- To preserve and enhance the amenity of the locality.
REGIONAL COUNCIL OF GOYDER
DEVELOPMENT ACT, 1993
NOTICE OF APPLICATION FOR CATEGORY 3 DEVELOPMENT
Pursuant to Section 38(5) 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:

<table>
<thead>
<tr>
<th>DEVELOPMENT NO:</th>
<th>422/090/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT:</td>
<td>Kip J Dunstan</td>
</tr>
<tr>
<td>NATURE OF THE DEVELOPMENT:</td>
<td>Managers Residence in the form of a single storey dwelling 21.0 metre x 8.0 metre shed and water tank</td>
</tr>
<tr>
<td>SUBJECT LAND:</td>
<td>No:96 Lot: BOGGY ROAD, NGAPALA SA 5374</td>
</tr>
</tbody>
</table>

The application may be examined at the Burra Office of the Council located at 1 Market Square, Burra, Monday to Friday, or Council’s Eudunda Office located at 25 Bruce Street, Eudunda, Tuesday to Thursday during normal business hours and any person or body who desires to do so may make relevant representations in writing concerning this application to reach the Development Officer at 1 Market Square, Burra, NO LATER THAN 4.30p.m. on TUESDAY 4TH DECEMBER 2018.

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(8) of the Development Act, a copy of each representation received will be forwarded to the applicant for a written response.

FIONA E BARR
AUTHORISED OFFICER

20 November 2018

THIS IS THE FIRST AND ONLY PUBLICATION OF THIS NOTICE
30 October 2018

Fiona Barr
Development Assessment Manager
Regional Council of Goyder
1 Market Square
Burra SA 5417

Email: fbarr@goyder.sa.gov.au

Dear Fiona,

**Proposed Manager's Dwelling, Outbuilding and Water Tank for Kip Dunstan at Section 324, 96 Boggy Road, Ngapala**

Further to your letter dated 24 October 2018, I write in support of an application for the Dunstan family (my Client) for a Manager's Dwelling, Outbuilding and Water Tank at Section 324, 96 Boggy Road, Ngapala; in the Primary Production Zone.

This correspondence represents a Brief Statement in support of the application, pursuant to Regulation 17(1) of the Development Regulations 2008. It is not the intent of this correspondence to provide a comprehensive analysis of the relevant planning provisions, but rather to highlight significant merits of the proposal to support my Client’s request for Council to proceed with an assessment in accordance with Regulation 17 (3) (b).

**Background**

My Client's run an environmentally sustainable grazing operation in the area, involving in the order of approximately 650 hectares of prime agricultural land; also containing important stands of native vegetation which contain Peppermint Box Grassy Woodland which was listed as Critically Endangered by the Department of Environment, Water, Heritage, and the Arts in 2008. Approximately 120 hectares has been managed by the family for the past 10 years under the Federal Government's Stewardship Program, which includes no grazing animals, weed & pest management and the revegetation of native plant species in the conservation areas.

Not all of their land holdings are contiguous, as additional land has been aggregated over the years to ensure economies of scale are achieved in their grazing operation.

The Dunstan family commenced farming in the area in 1906 with the purchase of land (adjoining Sec 324 separated by Ngapala Road) located at 399 Schulz Road (CT5715/489) which is currently owned by the third generation grandson of Alfred Dunstan (cousin of the proponent).

In regard to Section 324 of 149 hectares, this has been in the family's ownership for four generations, as per **Appendix 1** showing a copy of the Land Grant issued to Alfred Henry Dunstan in 1945. The Department of the Premier and Cabinet website (SA.GOV.AU - Glossary of property terms) describes a Land Grant as:
The primary means by which the Crown alienates (alienated) or grants (granted) land to its subjects. A land grant is (was) a grant of an estate in fee simple to a person or a defined area of land. From the introduction of the first Real Property Act in 1858 until 1 July 1995, a land grant was treated as a certificate of title and given a volume and folio reference. They are now attached inside an ‘RLG’ (Registers of Land Grants) form and treated as a request for the issue of a TATS (Torrens Automated Title System) title.

In the case of Section 324 (CT 5715/61), this commenced on the Dealing Date of 30 November 1993, with a Lodgement Date of 15 December 1993 and Completion Date of 5 January 1994; with the Land Grant stamped ‘Cancelled, converted to a computerised title’.

The current centre of operations is on the main farm, approximately 120 metres north of Boggy Road, where a considerable amount of money and effort has been invested over time to construct the existing dwelling, sheds, extensive gardens, native trees and a dam. The majority of this cluster of structures is carefully sited amongst approximately 14 hectares of native vegetation of predominately Blue Gums and Range Wattles which have been planted by the family and as a result is screened from Boggy Road.

The proposal is to construct a Manager’s Dwelling and associated infrastructure for Kip and his partner Leesa, Kip being the youngest son of Jim and Ronda Dunstan; some 290 metres to the north-west of the existing operations where they reside. This would allow Jim and Ronda to continue to remain in the family home of 37 years.

Jim & Ronda’s parents Keith & Betty Dunstan (officially retired in 1992) reside on the family’s property owned by their oldest grandson. This is eight kilometres to the north of the proposed development where they moved following the marriage of their sons and they are cared for by the family.

My Client runs their farming operation with their sons, who currently reside in the family home. As is common for intergenerational farms the third generation parents are intending to take a lesser role in the current farming operation, sometime in the future. Rather than be displaced and have to move away, more than likely to a town over 20km away i.e Eudunda or Robertstown, to allow their son and his partner to move into the main farmhouse and take on a more central role in running their farming operation; this proposal is for a second dwelling to Section 324, associated with the farming of the land.

Current Development Plans and associated policy do not generally support this new form of transitioning toward to retirement/retirement living and people are now living longer. As a result, the Department of Planning, Transport and Infrastructure (DPTI) have commenced engagement with the retirement industry, other forms of government and the community; to review how the state responds to this changing need in South Australia. DPTI are considering the introduction of more flexibility into the South Australian planning system, to accommodate the changing way people would like to live at home independently and for longer.

A recent workshop on this matter was held on 20 August 2018 with industry and government representatives. For future changes to policy being considered, see the SA Planning Portal:


for a link to the workshop, presentations and outcomes.

My Client runs a lean and efficient agricultural operation and relying on rental properties should not be something that affects their core business activities. Hence my Client wishes to add a second dwelling, while retaining the bulk of the land for farming purposes. As such my Client can ensure that the economic viability of their intergenerational farming operation is maintained.
Subject Land and Locality

The subject land is located at Section 324, H 160300, Hundred of Julia Creek (County of Light), CT 5715/61, 96 Boggy Road, Ngapala. The adjacent land to the north, west and south contains a mixture of native vegetation and arable farmland and to the east is predominantly arable farmland.

Access to the site is via Boggy Road, with a 60 metre length of the unmade Gerkie Gap Road (continuation of Boggy Road) to be upgraded to all-weather access by the applicant, in accordance with the Regional Council of Goyder's requirements.

As shown in Figure 1 below, directly to the west, north and south is grazing and cereal cropping, while to the direct east and further west and south, large stands of native vegetation exist. All boundaries of the property are fenced to a height of approximately 1.2 metres, with traditional post and wire stock fencing.

The southern property boundary addresses Boggy Road (a 'local traffic' unsealed 'cul-de-sac' road) which continues into a portion of Gerkie Gap Road, the eastern property boundary addresses Ngapala Road (a 'local traffic' unsealed road), while the western property boundary addresses the Heysen Trail. The western boundary is also the common boundary between the Regional Council of Goyder and the Clare & Gilbert Valleys Council.

Figure 1    Location Plan Aerial Photograph

Figure 2 shows the subject land is located in an area that has two main land uses of grazing and conservation. The existing land is open arable land, containing native vegetation, a dwelling, outbuildings and several dams; with a total area of 149.33 hectares (369 acres).
Figure 2  Site Plan Aerial Photograph

Description of Proposal

The proposed Manager's Dwelling, Outbuilding, Water Tank and Access Road are to be constructed and operated in accordance with Brooksby Design & Drafting documentation ie:

- Sheet 1 of 2  Block Plan, Site Plan and Notes
- Sheet 2 of 2  Floor Plan, Elevations, Wastewater Drainage Layout and Notes.

The total floor area of the buildings will be 603 m², consisting of the 242 m² dwelling, 181 m² verandahs, 168 m² outbuilding and 12 m² water tank. With the total floor area footprint for the built form of the development being approximately 1000m², this would be contained within a total footprint of 2 hectares, including the all-weather access road. This will leave 147.33 hectares for existing uses.

Also refer to Appendix 2 for recent photographs of:

- Existing Council Road (Boggy Road)
- Proposed Driveway location
- Views from the proposed location to the north, south, east and west.
Significant Merits

The subject land is located in the Primary Production zone of the Goyder Council Development Plan (consolidated 24 November 2016). It should also be noted that the adjoining land to the west is in the Primary Production zone of the Clare & Gilbert Valleys Council Development Plan (consolidated 10 November 2016).

In order to ensure the continuation of primary production in the Primary Production Zone it is critically important to be able to maintain economically productive, efficient and environmentally sustainable farming operations consistent with Objectives 1 - 3 and 5 for the Zone as follows:

1. Economically productive, efficient and environmentally sustainable primary production.

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

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

4. Development that contributes to the desired character of the zone.

As Objective 4 addresses the accommodation of wind farms, this is not applicable to this proposal.
For this reason there is a need for flexibility to better manage rural holdings, and allow an independent manager’s dwelling to the farmland, to efficiently use the land for primary production in line with Objective 1 and the Desired Character for the Zone. In regard to the Desired Character for the zone, the following areas:

- Function (excluding wind farms)
- Pattern of Development
- Public Realm (excluding freight routes)
- Built Form, Building and Site Design/Character
- Key Design Elements

can be satisfied by this proposal.

As indicated above the existing dwelling situated on Section 324 will need to remain central to the farming operations on the subject land. The existing dwelling containing six main rooms (living areas) is in good condition and is a significant asset. Without a second dwelling to successfully manage the property, an off-site residence is not viable for my Client. Relying on an ongoing manager’s residence away from the family farming operation is not part of the core functions of a successful agribusiness. Requiring an off-site residential tenancy for the manager rather than constructing and living in an on-site dwelling, is also not consistent with good stewardship of the land and stock management.

Minimal agricultural land would be lost through the construction of the second dwelling and this would not run counter to achieving the economies of scale and efficiencies associated with the day-to-day management of the rural land holdings. The proposal would enable my Client to focus on the core business of running their significant family run farming operations in the area.

The size and configuration of the proposal, along with the existing native vegetation surrounding the existing dwelling and associated farming infrastructure also ensures that both dwellings are fully contained on the allotment and the vegetation is not fragmented. Although a small area of arable land will be lost for the second dwelling, this would ensure sufficient distance is provided as a buffer from the other dwelling. At the same time the size and configuration of existing Section 324 remains conducive to ongoing environmentally sustainable grazing operations & revegetation of native species.

The proposal is also consistent with the maintenance of sustainable farm management and the long-term protection of rural productivity creating a strong correlation with the Objectives and Desired Character for the zone, as well as Principles of Development Control 1 (in part), 8, 9(a), (b), (c), 10, 11 and 12 for the zone, as follows:

**Land Use**

1 The following forms of development are envisaged in the zone:

* ...  
* farming

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.

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.

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

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

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.

Tourist accommodation, including through the diversification of existing farming activities and conversion of farm buildings, as per PDC 1 and 7 has been considered, but it was decided that this would not be an appropriate business model for the Dunstan family to pursue.

While the proposal would normally be at variance with PDC’s 9 (d) and 10, for reasons outlined above regarding this acceptable form of transitioning toward to retirement/retirement living, people living longer and DPTI’s policy work currently occurring, support of this proposal is recommended. This would promote an outcome for my Client of a leaner, more efficient, and focused farming operation.

Summary and Recommendation

In short the proposal would ensure farming is maintained as my Client’s core business and thereby increasing the efficiency and economic viability of the family run farming operations. Although the proposal does meet all of the relevant Principles of the Primary Production zone, it gains strong support for its merits from the Objectives, the Desired Character statement, and a number of principles of Development Control for the zone. As such it is considered that the proposal is consistent with the intent of the zone and warrants further consideration.

Therefore I recommend the proposal to you for a favourable decision in accordance with Regulation 17 (3) (b) of the Development Regulations and that the application proceed with a merit assessment accordingly.

Should you require additional information or have any questions in relation to the proposal please do not hesitate to contact me on 0429 580 080 or via email on rob.veitch@studio83.com.au

Yours sincerely

Robert Veitch
Director, Studio83
Robert Dennison Veitch (trading as studio83)

m 0429 580 090
e rob.veitch@studio83.com.au
Dear Fiona,

Proposed Manager’s Dwelling, Outbuilding and Water Tank for Kip Dunstan at Section 324, 96 Boggy Road, Ngapala

Further to our discussion mid-August 2018, I write in support of an application for the Dunstan family (my Client) for a Manager’s Dwelling, Outbuilding and Water Tank at Section 324, 96 Boggy Road, Ngapala; in the Primary Production Zone.

This correspondence is in support of the application, as discussed earlier. It is not the intent of this correspondence to provide a comprehensive analysis of the relevant planning provisions but rather to highlight significant merits of the proposal to support my Client’s request for Council to proceed with an assessment, subject to the nature of development being determined by Regulation 16 (1).

Background

My Client’s run an environmentally sustainable grazing operation in the area, involving in the order of approximately 650 hectares of prime agricultural land; also containing important stands of native vegetation which contain Peppermint Box Grassy Woodland which was listed as Critically Endangered by the Department of Environment, Water, Heritage, and the Arts in 2008. Approximately 120 hectares has been managed by the family for the past 10 years under the Federal Government’s Stewardship Program, which includes no grazing animals, weed & pest management and the revegetation of native plant species in the conservation areas.

Not all of their land holdings are contiguous, as additional land has been aggregated over the years to ensure economies of scale are achieved in their grazing operation.

The Dunstan family commenced farming in the area in 1906 with the purchase of land (adjoining Sec 324 separated by Ngapala Road) located at 399 Schulz Road (CT5715/489) which is currently owned by the third generation grandson of Alfred Dunstan (cousin of the proponent).

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The current centre of operations is on the main farm, approximately 120 metres north of Boggy Road, where a considerable amount of money and effort has been invested over time to construct the existing dwelling, sheds, extensive gardens, native trees and a dam. The majority of this cluster of structures is carefully sited amongst approximately 14 hectares of native vegetation of predominately Blue Gums and Range Wattles which have been planted by the family and as a result is screened from Boggy Road.

The proposal is to construct a Manager's Dwelling and associated infrastructure for Kip and his partner Leesa, Kip being the youngest son of Jim and Ronda Dunstan; some 290 metres to the north-west of the existing operations where they reside. This would allow Jim and Ronda to continue to remain in the family home of 37 years.

Jim & Ronda's parents Keith & Betty Dunstan (officially retired in 1992) reside on the family's property owned by their oldest grandson. This is eight kilometres to the north of the proposed development where they moved following the marriage of their sons and they are cared for by the family.

My Client runs their farming operation with their sons, who currently reside in the family home. As is common for intergenerational farms the third generation parents are intending to take a lesser role in the current farming operation, sometime in the future. Rather than be displaced and have to move away, more than likely to a town over 20km away ie Eudunda or Robertstown, to allow their son and his partner to move into the main farmhouse and take on a more central role in running their farming operation; this proposal is for a second dwelling to Section 324, associated with the farming of the land.

Current Development Plans and associated policy do not generally support this new form of transitioning toward to retirement/retirement living and people are now living longer. As a result, the Department of Planning, Transport and Infrastructure (DPTI) have commenced engagement with the retirement industry, other forms of government and the community; to review how the state responds to this changing need in South Australia. DPTI are considering the introduction of more flexibility into the South Australian planning system, to accommodate the changing way people would like to live at home independently and for longer.

A recent workshop on this matter was held on 20 August 2018 with industry and government representatives. For future changes to policy being considered, see the SA Planning Portal:


for a link to the workshop, presentations and outcomes.

My Client runs a lean and efficient agricultural operation and relying on rental properties should not be something that affects their core business activities. Hence my Client wishes to add a second dwelling, while retaining the bulk of the land for farming purposes. As such my Client can ensure that the economic viability of their intergenerational farming operation is maintained.
Subject land and Locality

The subject land is located at Section 324, H 160300, Hundred of Julia Creek (County of Light), CT 5715/61, 96 Boggy Road, Ngapala. The adjacent land to the north, west and south contains a mixture of native vegetation and arable farmland and to the east is predominantly arable farmland.

Access to the site is via Boggy Road, with a 60 metre length of the unmade Gerkie Gap Road (continuation of Boggy Road) to be upgraded to all-weather access by the applicant, in accordance with the Regional Council of Goyder's requirements.

As shown in Figure 1 below, directly to the west, north and south is grazing and cereal cropping, while to the direct east and further west and south, large stands of native vegetation exist. All boundaries of the property are fenced to a height of approximately 1.2 metres, with traditional post and wire stock fencing.

The southern property boundary addresses Boggy Road (a 'local traffic' unsealed 'cul-de-sac' road) which continues into a portion of Gerkie Gap Road, the eastern property boundary addresses Ngapala Road (a 'local traffic' unsealed road), while the western property boundary addresses the Heysen Trail. The western boundary is also the common boundary between the Regional Council of Goyder and the Clare & Gilbert Valleys Council.

Clare & Gilbert Valleys Council Regional Council of Goyder

Figure 1  Location Plan Aerial Photograph

Figure 2 shows the subject land is located in an area that has two main land uses of grazing and conservation. The existing land is open arable land, containing native vegetation, a dwelling, outbuildings and several dams; with a total area of 149.33 hectares (369 acres).
Description of Proposal

The proposed Manager’s Dwelling, Outbuilding, Water Tank and Access Road are to be constructed and operated in accordance with Brooksby Design & Drafting documentation ie:

- Sheet 1 of 2  Block Plan, Site Plan and Notes
- Sheet 2 of 2  Floor Plan, Elevations, Wastewater Drainage Layout and Notes.

The total floor area of the buildings will be 603 m², consisting of the 242 m² dwelling, 181 m² verandahs, 168 m² outbuilding and 12 m² water tank. With the total floor area footprint for the built form of the development being approximately 1000m², this would be contained within a total footprint of 2 hectares, including the all-weather access road. This will leave 147.33 hectares for existing uses.

Also refer to Appendix 2 for recent photographs of:

- Existing Council Road (Boggy Road)
- Proposed Driveway location
- Views from the proposed location to the north, south, east and west.
Figure 3  Part Site Plan Aerial Photograph

Significant Merits

The subject land is located in the Primary Production zone of the Goyder Council Development Plan (consolidated 24 November 2016). It should also be noted that the adjoining land to the west is in the Primary Production zone of the Clare & Gilbert Valleys Council Development Plan (consolidated 10 November 2016).

In order to ensure the continuation of primary production in the Primary Production Zone it is critically important to be able to maintain economically productive, efficient and environmentally sustainable farming operations consistent with Objectives 1 - 3 and 5 for the Zone as follows:

1. Economically productive, efficient and environmentally sustainable primary production.

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

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

5. Development that contributes to the desired character of the zone.

As Objective 4 addresses the accommodation of wind farms, this is not applicable to this proposal.
For this reason there is a need for flexibility to better manage rural holdings, and allow an independent manager’s dwelling to the farmland, to efficiently use the land for primary production in line with Objective 1 and the Desired Character for the Zone. In regard to the Desired Character for the zone, the following areas:

- Function (excluding wind farms)
- Pattern of Development
- Public Realm (excluding freight routes)
- Built Form, Building and Site Design/Character
- Key Design Elements

can be satisfied by this proposal.

As indicated above the existing dwelling situated on Section 324 will need to remain central to the farming operations on the subject land. The existing dwelling containing six main rooms (living areas) is in good condition and is a significant asset. Without a second dwelling to successfully manage the property, an off-site residence is not viable for my Client. Relying on an ongoing manager’s residence away from the family farming operation is not part of the core functions of a successful agribusiness. Requiring an off-site residential tenancy for the manager rather than constructing and living in an on-site dwelling, is also not consistent with good stewardship of the land and stock management.

Minimal agricultural land would be lost through the construction of the second dwelling and this would not run counter to achieving the economies of scale and efficiencies associated with the day-to-day management of the rural land holdings. The proposal would enable my Client to focus on the core business of running their significant family run farming operations in the area.

The size and configuration of the proposal, along with the existing native vegetation surrounding the existing dwelling and associated farming infrastructure also ensures that both dwellings are fully contained on the allotment and the vegetation is not fragmented. Although a small area of arable land will be lost for the second dwelling, this would ensure sufficient distance is provided as a buffer from the other dwelling. At the same time the size and configuration of existing Section 324 remains conducive to ongoing environmentally sustainable grazing operations & revegetation of native species.

The proposal is also consistent with the maintenance of sustainable farm management and the long-term protection of rural productivity creating a strong correlation with the Objectives and Desired Character for the zone, as well as Principles of Development Control 1 (in part), 8, 9(a), (b), (c), 10, 11 and 12 for the zone, as follows:

**Land Use**

1. The following forms of development are envisaged in the zone:

   - ...  
   - farming

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.

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.

**Form and Character**

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

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

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.

Tourist accommodation, including through the diversification of existing farming activities and conversion of farm buildings, as per PDC 1 and 7 has been considered, but it was decided that this would not be an appropriate business model for the Dunstan family to pursue.

While the proposal would normally be at variance with PDC’s 9 (d) and 10, for reasons outlined above regarding this acceptable form of transitioning toward to retirement/retirement living, people living longer and DPTI’s policy work currently occurring, support of this proposal is recommended. This would promote an outcome for my Client of a leaner, more efficient, and focused farming operation.

**Summary and Recommendation**

In short the proposal would ensure farming is maintained as my Client’s core business and thereby increasing the efficiency and economic viability of the family run farming operations. Although the proposal does meet all of the relevant Principles of the Primary Production zone, it gains strong support for its merits from the Objectives, the Desired Character statement, and a number of principles of Development Control for the zone. As such it is considered that the proposal is consistent with the intent of the zone and warrants further consideration.

Therefore I recommend the proposal to you for a favourable decision in accordance with Regulation 16 (1) of the Development Regulations and that the application proceed with a merit assessment accordingly.

Should you require additional information or have any questions in relation to the proposal please do not hesitate to contact me on 0429 580 080 or via email on rob.veitch@studio83.com.au

Yours sincerely

Robert Veitch
Director, Studio83
*Robert Dennison Veitch (trading as studio83)*

m 0429 580 090
e rob.veitch@studio83.com.au
Photo 1: Existing Council Road (Proposed Entrance)

Photo 2: Proposed Driveway
Certificate of Title - Volume 5715 Folio 61

Parent Title(s) CT 1871/116
Creating Dealing(s) CONVERTED TITLE
Title Issued 30/11/1999 Edition 3 Edition Issued 29/06/2018

Estate Type
FEE SIMPLE

Registered Proprietor
KIP JACK DUNSTAN
OF 96 BOGGY ROAD NGAPALA SA 5374

Description of Land
SECTION 324
HUNDRED OF JULIA CREEK
IN THE AREA NAMED NGAPALA

Easements
NIL

Schedule of Dealings
NIL

Notations
Dealings Affecting Title NIL
Priority Notices NIL
Notations on Plan NIL
Registrar-General's Notes NIL
Administrative Interests NIL
**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**

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<tr>
<th>Development Application No.:</th>
<th>422 / 090 / 18</th>
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<tbody>
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<td>Received By:</td>
<td>SC.</td>
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<tr>
<td>Date:</td>
<td>18/10/18</td>
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**APPLICANT:**

<table>
<thead>
<tr>
<th>Name: KIP J. DUNSTAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile: 0439250240</td>
</tr>
<tr>
<td>Postal Address: 96 BOGGY ROAD, NGAPALA SA 5374</td>
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**OWNER:**

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<thead>
<tr>
<th>Name: AS ABOVE</th>
</tr>
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<tbody>
<tr>
<td>Email: <a href="mailto:kjdunstan@hotmail.com">kjdunstan@hotmail.com</a></td>
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<td>Postal Address:</td>
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**BUILDER:**

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<tbody>
<tr>
<td>License No.:</td>
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<td>Postal Address:</td>
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**CONTACT PERSON:**

<table>
<thead>
<tr>
<th>Name: BROOKSBY DESIGN &amp; DRAFTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postal Address: PO BOX 323, TANUNDA SA 5352</td>
</tr>
<tr>
<td>Mobile: OFFICE: 85633650 Email: <a href="mailto:brooksbysdesign@internode.on.net">brooksbysdesign@internode.on.net</a></td>
</tr>
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**LOCATION OF PROPOSED DEVELOPMENT:**

<table>
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<tr>
<th>Street No.: 36</th>
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<tbody>
<tr>
<td>Street: BOGGY ROAD</td>
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<tr>
<td>Suburb: NGAPALA</td>
</tr>
<tr>
<td>Sec No.: 324</td>
</tr>
<tr>
<td>Lot No.: -</td>
</tr>
<tr>
<td>Hundred: JULIA CREEK</td>
</tr>
<tr>
<td>Volume No.: 5715</td>
</tr>
<tr>
<td>Folio No.: 61</td>
</tr>
<tr>
<td>Ass. No.: A39667</td>
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</table>

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

- Dwelling $300,000
- Shed $15,000
- Tank $5,000

**Development Cost (GST Inclusive, exclude fit-out cost):** $320,000

**Floor Area (m²):** REFER DWGS

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

- MANAGER'S DWELLING, OUTBUILDING (SHED) & WATER TANK

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

- PRIMARY PRODUCTION - GRAZING

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

To:  REGIONAL COUNCIL OF GOYDER

From:  K.P. DUNSTAN

Date of Application:  24/11/2018

Location of Proposed Development:  96 Bogg Road, Ngapala

House No:  96  Lot No:  -  Street:  BOGGY ROAD

Town/Suburb:  NGAPALA

Section No (full/part):  324  Hundred:  JULIA CREEK

Volume: 5715  Folio:  61

Nature of Proposed Development:

MANAGER'S DWELLING, OUTBUILDING (SHED) & WATER TANK

I, .................................................. being the applicant/ 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: 24/11/2018

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 41 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 also 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, _______________________________ 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: ___________________________ DATE: 24/18/18