	<p align="center"><b>FLINDERS REGIONAL DEVELOPMENT ASSESSMENT PANEL</b></p> <p align="center"><b>AGENDA</b></p>	<p>Version Number Issued : Next Review GDS</p>	<p>1 8<sup>th</sup> June 2017  9.14.1 Page 1 of 10</p>
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## FLINDERS REGIONAL DEVELOPMENT ASSESSMENT PANEL

# NOTICE OF MEETING

**NOTICE** is hereby given that an Ordinary Meeting of the Flinders Regional Development Assessment Panel will be held as follows:


**Time:** 10.30am

**Date:** Monday 19<sup>th</sup> June 2017


**Venue:** Steam Town Meeting Room  
2 Telford Avenue  
Peterborough

\* \* \* \* \*

- Site Inspection in relation to DA 504/009/16 – Neil Hucks - Wrecking Yard & Dwelling. Please meet at the corner of 4 Cotton Road, Peterborough at 10.00am.
- Site inspection in relation to Agenda Item 7.4.1 - Horse Yards. Please meet at 113 Victoria Street, Peterborough at 10.15am.

  
 .....  
**Stephen Rufus**  
 Public Officer

8<sup>th</sup> June 2017

	<p align="center"><b>FLINDERS REGIONAL DEVELOPMENT ASSESSMENT PANEL</b></p> <p align="center"><b>AGENDA</b></p>	<p>Version Number Issued : Next Review GDS</p>	<p>1 13 Apr 2017 9.14.1 Page 2 of 10</p>
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## AGENDA & REPORTS

FOR THE MEETING BEING HELD  
MONDAY 19<sup>th</sup> JUNE 2017 AT 10.30am  
AT STEAM TOWN MEETING ROOM, 2 TELFORD AVENUE, PETERBOROUGH

**1. PRESENT:**

**2. APOLOGIES:**

**3. DECLARATIONS OF INTEREST:**

**4. CONFIRMATION OF MINUTES:**

**4.1 ORDINARY MEETING - Held 13<sup>th</sup> April 2017**

A copy of the Minutes from the Meeting (as previously circulated) are attached for the reference of Panel Members.

***Recommendation:***

**That** the Minutes of the Ordinary Teleconference Meeting of the Flinders Regional Development Assessment Panel held on 13<sup>th</sup> April 2017 as circulated, be confirmed.

**5. BUSINESS ARISING FROM MINUTES:**

**Nil**

# MINUTES

## MEETING BEING HELD

### THURSDAY 13<sup>th</sup> APRIL 2017 AT 8.30am

### BY TELEPHONE CONFERENCE

The teleconference was recorded for the sole purpose of the Minutes, and the recording was deleted upon completion of the Minutes.

#### 1. PRESENT:

*Members:* Ms Shanti Ditter (Presiding Member);  
 Cr Frank Hardbottle;  
 Cr Garry Thompson and  
 Cr Vicki Morley

*In Attendance:* Mr Peter McGuinness (Public Officer);  
 Ms Lynette Brandwood (Prime Planning);  
 Ms Wendy Brown (Applicant);  
 Ms Ruth Beach (Lawyer for Representors Mr and Mrs Crombie);  
 Mr Stephen Rufus (CEO, District Council of Orroroo Carrieton);  
 Ms Angie Finlay (The Flinders Ranges Council) and  
 Ms Sally Kent (Minute Secretary)

2. APOLOGIES: Cr Ralph Goehring NIL

3. DECLARATIONS OF INTEREST: NIL

#### 4. CONFIRMATION OF MINUTES:

##### 4.1 ORDINARY MEETING - Held 3<sup>rd</sup> November 2016

**Moved Cr G Thompson Seconded Cr F Hardbottle**

**That** the Minutes of the Ordinary Meeting of the Flinders Regional Development Assessment Panel held on 3<sup>rd</sup> November 2016 as circulated, be confirmed.

**CARRIED**

5. BUSINESS ARISING FROM MINUTES: NIL

## 6. APPLICATIONS FOR CONSIDERATION:

### 6.1 THE FLINDERS RANGES COUNCIL

#### 6.2.1 DA 740/0006/17 – ROWESA Pty Ltd – Amendment to DA 740/0020/15 – Alterations to boundary fence

Details of the application to amend the fence design, limited to the boundary between allotments 103 and 104 First Street, Quorn, as previously approved by DA 740/00020/2015 were included in the Agenda papers for the meeting.

Ms Ditter asked the Planning Consultant, Lynette Brandwood, if she could give a brief overview of the application.

Ms Brandwood gave a brief history and summary, including that the application had been before the Environment Resources and Development Court, with one of the conditions of consent being the fencing and that this application was seeking to amend the condition of approval. All details of this were included in the Agenda papers previously circulated before the meeting.

The application was for a conference and motel, which was approved by Council. The approval was taken to appeal by two of the neighbours. The fencing was not part of that appeal.

Ms Ditter clarified that the matter for consideration at this meeting was for the fence only, and not the previous application. Ms Brandwood confirmed it so.

Ms Brandwood then explained that two representations had been received, with their concerns including the impact on streetscape, amenity of locality, that it will affect traffic site lines and cause a negative impact on the environment and locality.

Ms Ditter asked Ms Brandwood if there was any other material the members needed to be aware of, to which Ms Brandwood said she had not received anything relevant to the matter.

Panel members did not have any questions for Ms Brandwood.

Ms Ditter then moved to the hearing of Representors. Ms Ruth Beach, the lawyer representing Mr and Mrs Crombie of 51 First Street, Quorn, was introduced to the meeting and the role of the panel, and asked for her representation.

Ms R Beach then declared that she had not seen the Agenda papers but after further investigation it was resolved that she had received the correct information, including the link to the website where the Agenda papers were available for downloading. Due to the oversight being hers, the panel members decided to continue the meeting with the matter for consideration.

Ms R Beach, explained that her clients felt that removing the grading of the fence to the boundary would cause surveillance issues, impact the site lines for traffic entering and leaving the development site and that it was seriously detrimental to the amenity of the area, all of which are contrary to the principles and objectives of the development control in the Development Plan, in particular the section which deals with fences and walls. The broader details, as highlighted by Ms Beach, were provided in the Agenda paper, and she asked that the proposed variation not be allowed.

There were no questions from the panel members.

Ms Ditter mentioned that she and other panel members had previously visited the site in question. A discussion was then held regarding the line of site from the front verandah of 51 First Street, with the developed property being set back from the boundary approximately 1m and the difference between a 1.5m and 2.1m fence for the average height person regarding this line of site.

The panel members had no other questions so Ms Ditter closed the hearing for the Representors.

Ms Ditter then welcomed the applicant Ms W Brown to the meeting and asked her if she would like to put her case before the panel, including any material that the panel should be aware of in considering this matter.

Ms Brown explained that the reason for the application was due to the fact that since the building had been erected, it was realised that one of the bedrooms in the motel looked directly over the verandah of 51 First Street and vice versa. She also explained that there is no vehicle access on that side of the property, and that they ultimately wish to make the property a gated secure site, and the amendment to the fence would assist this.

There were no questions from the panel members.

Ms Brown then clarified that a barred fence would hopefully be erected along the front of the property, but will be submitted separately in a further development application. Ms Ditter made clear that this was not part of the matter for consideration for this meeting, but for line of site understanding, with what is proposed and what the cumulative impact could be one application after the other. Ms Brandwood highlighted that the front fence was not part of the original application, the development itself goes to the boundary, and there was no front fencing on the drawings.

There were no further questions from the panel members or presiding member.

#### **Moved Cr F Hardbottle Seconded Cr G Thompson**

**That** Development Application 740/0006/17 to amend the fence design as previously approved by DA 740/0020/2015, limited to the boundary fence between allotments 103 and 104 First Street, Quorn, is sufficiently in accord and not seriously at variance with The Flinders Ranges Council's Development Plan, Consolidated 20<sup>th</sup> June 2013.

**That** Council **Grant** Development Plan Consent to the amendment of Development Application 740/0006/17 for the alteration to a fence at Allotment 103 First Street, Quorn SA 5433 subject to the following conditions:

1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in this Application except where varied by any condition(s) listed below.
2. All building work shall be constructed in accordance with the Building Code of Australia.  
*Reason: To ensure the development meets the Building Code of Australia*

**CARRIED**

- |  |            |
|--|------------|
| <b>6.2 THE DISTRICT COUNCIL OF MOUNT REMARKABLE</b>  | <b>NIL</b> |
| <b>6.3 THE DISTRICT COUNCIL OF ORROROO CARRIETON</b> | <b>NIL</b> |
| <b>6.4 THE DISTRICT COUNCIL OF PETERBOROUGH</b>      | <b>NIL</b> |

**7. OTHER BUSINESS:**

- |   |     |
|---|-----|
| 7.1 DISTRICT COUNCIL OF MOUNT REMARKABLE  | NIL |
| 7.2 THE FLINDERS RANGES COUNCIL           | NIL |
| 7.3 DISTRICT COUNCIL OF ORROROO CARRIETON | NIL |
| 7.4 DISTRICT COUNCIL OF PETERBOROUGH      |     |

**UPDATE – HORSE YARDS, 113 VICTORIA STREET, PETERBOROUGH**

Panel Members carried a motion with conditions at the FRDAP meeting 11<sup>th</sup> April 2016 in regards to a horse yards on the corner of Victoria and Torr Street, Peterborough, for a temporary period of 12 months.

A Development Application has not been received from the owner as requested (one to two months before the expiry), and the Development and Regulatory Services Officer (DRSO) will be writing to the owner to remind him of his responsibility.

The DRSO has, however, been monitoring the property and reports the horse numbers have been kept to 9 and under as requested, and has complied with the majority of the conditions.

A follow up report will be submitted at the next FRDAP meeting as to whether the owner has submitted an application or not.

## 7.5 JOINT PLANNING ARRANGEMENTS – EXPRESSION OF INTEREST

A copy of an email, sent to Council CEOs, regarding Expressions of Interest re Joint Planning Arrangements introduced under the *Planning, Development and Infrastructure Act 2016* was included in the Agenda papers for the meeting, plus an information sheet and an Expression of Interest form.

The panel members firstly thought this arrangement more suitable to larger councils, but through discussion with the presiding member it was determined that the current format and set up of the Flinders Regional Development Assessment Panel comprising the four councils would prove to be a good model to submit for consideration to the Department of Planning, Transport and Infrastructure as a pilot scheme. By joining this scheme it would also allow councils the ability to give consideration for regional planning in particular, and therefore there was some merit in considering it with the current established format and whether this has been working for the communities or not.

It was suggested that some advice would be appreciated from the Local Government Association if available.

### **Moved Cr F Hardbottle Seconded Cr G Thompson**

It is recommended that each member council make a decision before 12<sup>th</sup> May 2017 to submit a proposal for the four Councils (Peterborough, Flinders Ranges, Orroroo Carrieton and Mount Remarkable) to pilot a model to establish a joint planning board and that an Expression of Interest be submitted to the Department of Planning, Transport and Infrastructure, with a request for funding to assist the Councils to establish a framework for consideration.

**CARRIED**

## 7.6 PUBLIC OFFICER

### **Moved Cr F Hardbottle Seconded Cr V Morley**

**That** pursuant to the provisions of Subsection 34 (18b) of the Development Act 1993, that Mr Stephen Rufus, Chief Executive Officer of the District Council of Orroroo Carrieton, be appointed as the Public Officer of the Flinders Regional Development Assessment Panel for a term concluding at the date of the next periodic Local Government election.

**CARRIED**

**9. NEXT MEETING:** No date was set for the next meeting of the Panel.

**10. CLOSURE:** 9.31am

## 6. APPLICATIONS FOR CONSIDERATION:

### 6.1 THE FLINDERS RANGES COUNCIL

#### 6.1.1 DA 740/0013/2017 – NBN Co Limited – Telecommunications Facility (Fixed Wireless Facility) – Sect 129 Hd Pichi Richi, 95 Finlay Road, Quorn

<b>Action</b>	<b>For DECISION</b>
<b>Proponent</b>	<b>Council Officer</b>
<b>Officer</b>	<b>FRC CEO</b>
<b>Development Application</b>	<b>740/0013/2017</b>
<b>Associated Reports &amp; Documents</b>	<b>Report</b>

#### Officer's Recommendations:

That the Flinders Regional Development Assessment Panel, following consideration and having regard to all relevant matters regarding the proposal by NBN Co. Ltd. (application number 740/0013/2017) for a Telecommunications Facility (Fixed Wireless Facility) at Section 129 Hundred of Pichi Richi, CT 5426/563 – 95 Finlay Road, Quorn SA 5433 be granted Development Plan Consent, subject to the following conditions being imposed:-

1. All work shall be carried out in accordance with the details and plans within the Planning Report – Proposed Fixed Wireless Facility submitted with the application and in accordance with any specifications prepared in accordance with the conditions contained herein and subject to any minor variations to the satisfaction of the Council.
2. It is the requirement of this approval that a suitable bin/bins, or access to bins, be provided. These bins must be of closable type to avoid item blowing out, and upon completion of work on site, be removed and correctly disposed of.
3. The development shall be maintained in a state of good condition to the satisfaction of Council at all times to preserve the amenity of the area.

#### Introduction:

The Flinders Regional Development Assessment Panel is required to determine the application.

#### Previous Panel Consideration:

Nil

#### Officer's Report:

Refer to attached Report from Council's Development Officer, Tung Pham.



### Statutory Requirement:

The Flinders Ranges Council Development Plan – consolidated 20<sup>th</sup> June 2013  
Development Act 1993  
Development Regulations 2008

### Policy/Strategic Implications:

*The Flinders Ranges Council Strategic Management Plan 2012-2022:*

#### **Governance:**

Objective – We maximise partnerships to deliver services, facilities and infrastructure

Objective – Sound governance meeting contemporary standards and legislation

#### **Our Environment:**

Objective – We conserve our surrounding unspoilt natural environment and built heritage

### Risk/Liability:

Likelihood	Consequences				
	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (almost certain)	H	H	E	E	E
B (likely)	M	H	H	E	E
C (moderate)	L	M	H	E	E
D (unlikely)	L	L	M	H	E
E (rare)	L	L	M	H	H

*Legend:*     E: Extreme risk; immediate action required  
                   H: High risk; senior management attention needed  
                   M: Moderate risk; management responsibility must be specified  
                   L: low risk; manage by routine procedures

### Voting Requirements:

Absolute Majority

**APPLICATION NO:** 740/0013/2017

**MEETING DATE:** Monday 19 June 2017

**TO:** Presiding Member & Members of the Flinders Regional Development Assessment Panel

**FROM:** Development Officer

**PROPERTY ADDRESS:** Section 129 Hundred of Pichi Richi, CT 5426/563 – 95 Finlay Road, Quorn SA 5433

APPLICATION DETAILS	
<b>APPLICANT:</b>	NBN Co Limited
<b>OWNER:</b>	Robert Thomas Finlay & Adrienne Joy Finlay
<b>ZONE:</b>	Rural Landscape Protection Zone
<b>PROCEDURE:</b>	Merit
<b>AGENCY REFERRALS:</b>	N/A
<b>PUBLIC NOTIFICATION:</b>	Category 3 – No representations were received
<b>DELEGATION ISSUES:</b>	Development is considered to be appropriate but outside of staff delegations

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**PURPOSE:**

To provide the Flinders Regional Development Assessment Panel with a comprehensive report in order to enable the Panel to assess the application in accordance with the provisions of the Flinders Ranges Council Development Plan.

**PROPOSAL:**

The development of a telecommunications facility (Fixed Wireless Facility) that includes the construction of a 30m high monopole, antennas, security fencing and associated equipment.

**KEY PLANNING ISSUES:**

Land uses interface  
Visual impacts

**RECOMMENDATION:**

**Grant** Development Plan Consent subject to conditions.

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### **Nature of Development**

The proposal is a telecommunications facility. The proposal is a merit form of development in the Rural Landscape Protection Zone for which the Flinders Ranges Council is the relevant development authority.

### **Description of Development**

The proposal is for the installation of a Fixed Wireless Telecommunications facility which comprises of the following:

- One 30m galvanized steel monopole
- Two 750mm high panel antennas at a centerline height of 30m
- Four 381mm high remote radio units (RRUs) mounted behind the panel antennas
- One canister at a centerline height of 28.5m
- Two outdoor equipment cabinets at ground level
- 2.4m high chain link security fence with gate, and
- Ancillary equipment including cable trays, cabling, bird proofing, cable pit, electrical work and air conditioning equipment.

### **Public Notification**

The application was advertised as a Category 3 public consultation in accordance with the Development Regulations 2008. No representations were received.

### **Agency referral**

Agency referral was not required.

### **Subject Land & Locality**

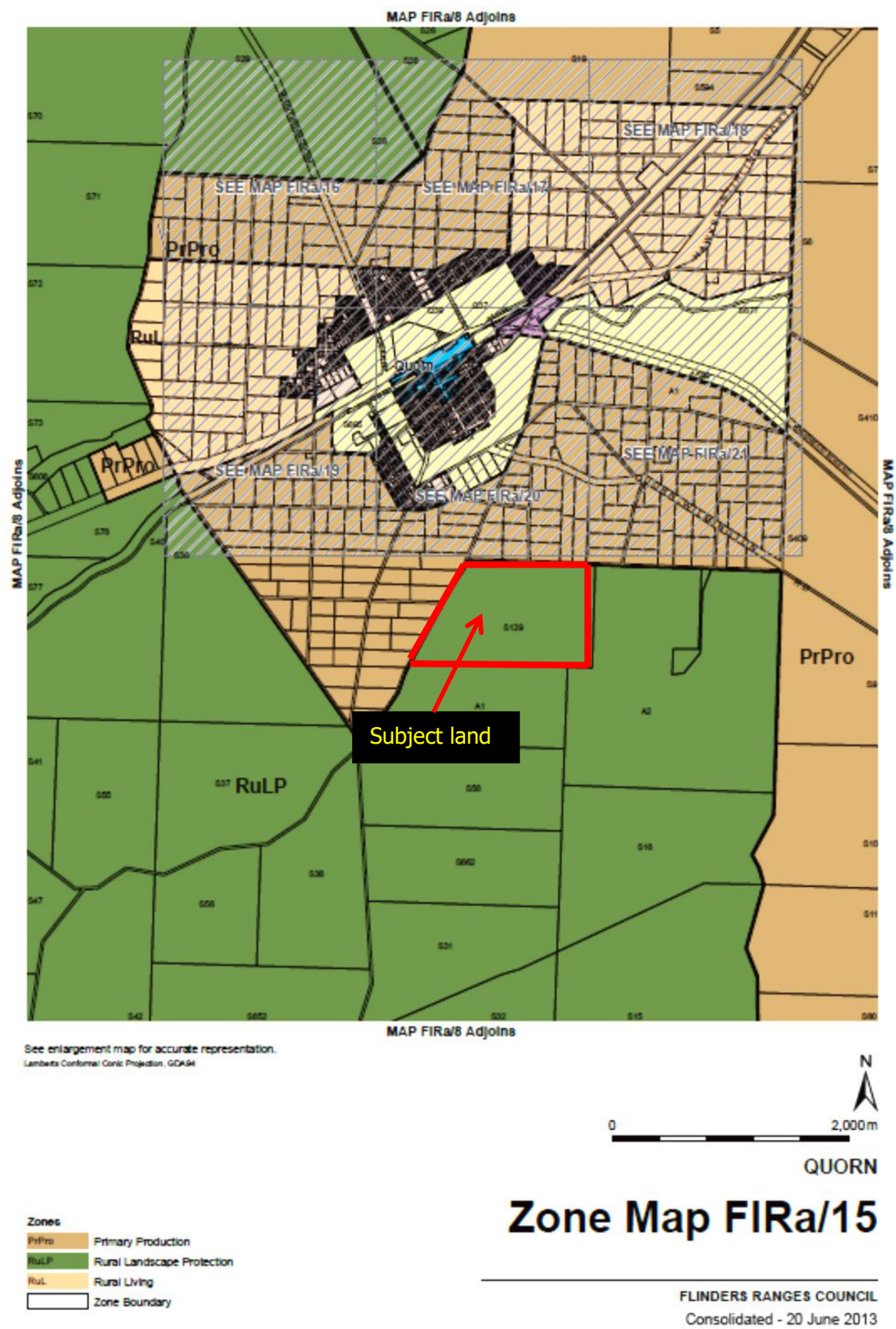
The subject land comprises Section 129 extending from Finlay Road in the east to Grandview Drive in the north and is currently a standalone holding. Grandview Drive extends to a small section of the northern boundary while the remainder is unmade public road reserve which is owned by Council. The east and southern boundaries join Sections 17 & 18 and land in DP47834.

A dwelling, a number of farm buildings and a dam are located in the north western corner of the land. There is also an existing 30m high Telstra telecommunications tower located on the north eastern corner of the land. The land has a rise from the western boundary toward a ridge line on the east where levels gradually drop again. The proposal is located on the ridge line where farming activity hasn't occurred.

The area is characterised by undulating land rising from north to south and west to east, an area of open farming country (including the subject land), a few scattered dwellings and a rural living area to the north and west. The Quorn Township is located less than 2 kilometres north-west of the land.

The nearest non associated dwelling is located approximately 185 metres north-west of the location of the proposal.

### Figure 1: Zone Map



## **Development plan assessment**

The following are relevant provisions of the Flinders Ranges Council Development Plan (consolidated 20 June 2013) in considering the proposal:

<b>Relevant Provisions of the Development Plan</b>	<b>Comments</b>
<p><b><u>General Section</u></b></p> <p><b><i>Design and Appearance</i></b></p> <p><b>OBJECTIVES</b></p> <p><i>1 Development of a high architectural standard that responds to and reinforces positive aspects of the local environment and built form.</i></p> <p><b>PRINCIPLES OF DEVELOPMENT CONTROL</b></p> <p><i>1 The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.</i></p> <p><i>3 Buildings should be designed to reduce their visual bulk and provide visual interest through design elements such as:</i></p> <ul style="list-style-type: none"><li><i>(a) articulation</i></li><li><i>(b) colour and detailing</i></li><li><i>(c) small vertical and horizontal components</i></li><li><i>(d) design and placing of windows</i></li><li><i>(e) variations to facades.</i></li></ul> <p><i>6 The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare.</i></p> <p><b><i>Siting and Visibility</i></b></p> <p><b>OBJECTIVES</b></p> <p><i>1 Protection of scenically attractive areas, particularly natural and rural landscapes.</i></p> <p><b>PRINCIPLES OF DEVELOPMENT CONTROL</b></p> <p><i>1 Development should be sited and designed to minimise its visual impact on:</i></p> <ul style="list-style-type: none"><li><i>(a) the natural, rural or heritage character of the area</i></li></ul>	<p>The proposal would not have any significant impact on the open pastoral nature of the area. All ancillary equipment is low in height and concentrated about the base of the monopole. The site is setback at least 100m from Grandview Drive and 250m from the neighbouring boundary which probably means only the monopole would be visible from outside.</p> <p>The monopole will have galvanised and low reflective external finish which is more sensitive to the surrounding than painted finishes.</p> <p>The proposal achieves this objective by grouping ancillary equipment together and siting the development well away from public road. The rural character of the area is not likely to be affected by the development.</p>

- (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:*

- (a) be grouped together*
- (b) where possible be located in such a way as 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*
- (b) sited within valleys or behind spurs*
- (c) sited in such a way as to not be visible against the skyline when viewed from public roads*
- (d) set well back from public roads, particularly when the allotment is on the high side of the road.*

## ***Sloping Land***

### ***OBJECTIVES***

*1 Development on sloping land designed to minimise environmental and visual impacts and protect soil stability and water quality.*

### ***PRINCIPLES OF DEVELOPMENT CONTROL***

*1 Development and associated driveways and access tracks should be sited and designed to integrate with the natural topography of the land and minimise the need for earthworks.*

*3 Driveways and access tracks across sloping land should be accessible and have a safe, all-weather trafficable surface.*

*4 Development sites should not be at risk of landslip.*

*7 The excavation and/or filling of land outside townships and urban areas should:*

- (a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to*

The development site footprint is relatively small (10m x 8m) and does not require the removal of existing vegetation. Thus any excavation and/or filling will comply with relevant provisions.

The site is accessed via the existing tract from Grandview Drive with traffic volume is expected to be minimal.

*preserve the natural form of the land and the native vegetation*  
*(b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment*  
*(c) only be undertaken if the resultant slope can be stabilised to prevent erosion*  
*(d) result in stable scree slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.*

### ***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 prejudice the achievement of the provisions of the Development Plan.*

#### ***PRINCIPLES OF DEVELOPMENT CONTROL***

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

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

### ***Interface between Land Uses***

#### ***OBJECTIVES***

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

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

The proposal will enhance wireless fixed internet coverage to the Quorn community, particularly small businesses. The improved internet access will promote social and economic growth of the community.

The proposal is not believed to adversely impact on existing land uses on the subject land as well the surrounding areas nor will it prejudice future development of the zone.

The proposal complies with these objectives as it does not cause unreasonable interference through any of the element outlined in Principles 1. The Environmental EME Report attached to the application indicated the electromagnetic energy (EME) level emit from the proposal is well below the exposure limit.

### **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.*

### **Hazards**

#### **OBJECTIVES**

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

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

### **PRINCIPLES OF DEVELOPMENT CONTROL**

*1 Development should:*

- (a) be excluded from areas that are vulnerable to, and cannot be adequately and effectively protected from, the risk of natural hazards*
- (b) be sited, designed and undertaken with appropriate precautions being taken against fire, flood, coastal flooding, storm surge, landslip, earthquake, toxic emissions or other hazards such as vermin*
- (c) not occur on land where the risk of flooding is likely to be harmful to safety or damage property.*

The proposal satisfies with these objectives as it is not located in area of flooding risk, it is not a habitable building, protected by fencing that prevent trapping of debris and is accessible via existing tract.



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

*6 Buildings and structures should be located away from areas that pose an unacceptable bushfire risk as a result of one or more of the following:*

- (a) vegetation cover comprising trees and/or shrubs*
- (b) poor access*
- (c) rugged terrain*
- (d) inability to provide an adequate building protection zone*
- (e) inability to provide an adequate supply of water for fire-fighting purposes.*

*7 Buildings and structures should be designed and configured to reduce the impact of bushfire through designs that reduce the potential for trapping burning debris against the building or structure, or between the ground and building floor level in the case of transportable buildings.*

### ***Telecommunications Facilities***

#### ***OBJECTIVES***

*1 Telecommunications facilities provided to meet the needs of the community.*

*2 Telecommunications facilities sited and designed to minimise visual impact on the amenity of the local environment.*

#### ***PRINCIPLES OF DEVELOPMENT CONTROL***

*1 Telecommunications facilities should:*

- (a) be located to meet the communication needs of the community*
- (b) use materials and finishes that minimise visual impact*
- (c) have antennae located as close as practical to the support structure*
- (d) be located primarily in industrial, commercial, business, office, centre and rural zones*
- (e) where technically feasible, be co-located with other telecommunications facilities*

The proposal is part of the National Broadband Network rollout which will provide significant benefits the community of Quorn and surrounding areas.

The design of the proposal minimise its visual impacts on the locality by grouping antennae close to the monopole, use appropriate finishes and substantial setback from public road.

Co-location options were considered but ruled out due to technical factors that would limit the effectiveness of the facility.

<p><i>(f) incorporate landscaping to screen the development, particularly equipment shelters and huts</i></p> <p><i>(g) be designed and sited to minimise the visual impact on the character and amenity of the local environment, in particular visually prominent areas, main focal points and significant vistas.</i></p> <p><i>2 Telecommunications facilities in areas of high visitation and community use should use innovative design techniques (eg sculpture and other artworks) where possible and where the resulting design would positively contribute to the character of the area.</i></p> <p><i>4 Telecommunications facilities should not have a direct or significant effect on the amenity, character and settings of Historic (Conservation) Zones or Policy Areas, local heritage places, State heritage places or State Heritage Areas.</i></p>	
<p><b><i>Rural Landscape Protection Zone</i></b></p> <p><b><i>OBJECTIVES</i></b></p> <p><i>1 Preservation of the natural and rural character and scenic features of the zone.</i></p> <p><i>5 Development that contributes to the desired character of the zone.</i></p> <p><b><i>DESIRED CHARACTER</i></b></p> <p><i>The zone incorporates a large part of the Council area and stretches along its western edge and across the northern half of the district. It comprises the southern end of the Flinders Ranges as well as the foreground of the most prominent ranges in the region. The landscapes of the zone exhibit high scenic value, containing many features of outstanding natural beauty and environmental importance, with parts being of scientific interest.</i></p> <p><i>The preservation of buildings or sites of architectural, historical, geological, cultural (including Aboriginal) or scientific interest is essential. In addition to buildings or sites of architectural or historic interest, such as the Kanyaka homestead, there are also sites of geological interest and areas of outstanding natural beauty. Their retention is necessary to provide historic links with the past and for scientific study, and is also likely to produce</i></p>	<p>Telecommunications facility is not an envisaged development for the Rural Landscape Protection Zone. Such development can occur in the zone if development control provisions are satisfied.</p> <p>It does not inhibit existing land uses or prejudice future land uses.</p> <p>The rural character and scenic features of the area is not adversely impacted by this development. It is considered to be consistent with the desired character for the zone.</p>

*potentially substantial economic benefits as a result of tourism.*

*There are at least 100 sites within the region which contain aboriginal relics. The Flinders Ranges are particularly noteworthy for the number of rock-carvings present, while the surrounding plains include many camping and ceremonial grounds. Many sites are in accessible areas and are suffering from desecration by vandals. Greater protection therefore needs to be afforded to safeguard this important heritage. It exhibits areas of diverse physical features, and pastoral and rural related activities. Any development should have regard to the mixed character of the zone and be of a quality to maintain an attractive landscape with little evidence of human impact. Nor should development damage the natural scenic features of the area or lead to the clearance of native vegetation. Grazing activities should be conducted so as to maintain the natural attributes of the area. Clearance of native vegetation should be restricted.*

*The land needs to be kept free of development that is not a necessary part of pastoral activity or structures used for shelter by walkers and persons on horseback, and for rainwater storage. Where development exists, any additional development needs to be in keeping with the existing use of the land and in close proximity to the principal groups of buildings on the land.*

*Where there are popular tourist attractions, such as the gorges, existing sites for the parking of caravans in informal groups, within vicinity of these sites, should be retained. No additional sites should be established.*

*Care is required to ensure roads do not unduly disturb landforms, vegetation, wildlife and aesthetic and other qualities which make the area attractive to both tourists and scientists.*

*Mining activities are not acceptable unless it can be demonstrated that mineral deposits to be exploited are of paramount importance, or their exploitation is in the State or national interest. In the event that mining proceeds, it must be carried out with minimum impact on the environment and the natural characteristics of the landscape.*

## **PRINCIPLES OF DEVELOPMENT CONTROL**

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

- *conservation of native vegetation*
- *detached dwellings and buildings associated with farming activities*
- *low intensity farming and grazing*
- *recreation and tourist infrastructure for the interpretation and appreciation of the natural features of the zone*
- *supplementation of existing farming activities through small scale tourist accommodation:*
  - *within existing buildings; or*
  - *in the form of farm stay, guesthouse, rural or nature retreat or bed and breakfast accommodation as an integral part of the group of farm buildings.*

### **Form and Character**

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

*7 Buildings should primarily be limited to farm buildings, a detached dwelling associated with primary production or a tourist-related use 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.*

*8 The excavation and/or filling of land should:*

- (a) be no greater than 1.5 metres from natural ground level*
- (b) only be undertaken in order to reduce the visual impact of buildings or structures or to construct water storage facilities for use on the allotment*
- (c) result in stable scree slopes that are covered with topsoil and landscaped so as to preserve and enhance or assist in the re-establishment of, the natural character of the locality.*

## **Conclusion**

The proposal would significantly enhance internet access to the Quorn Township and surrounding areas. It will provide considerable social and economic benefits to the community. The proposal performs relatively well in an assessment against the relevant provisions for:

- The Rural Landscape Protection Zone; and
- The Council Wide provisions.

Whilst there will be some visual impact from monopole this is considered to be acceptable and is not likely to adversely impacted on the rural character and scenic features of the area.

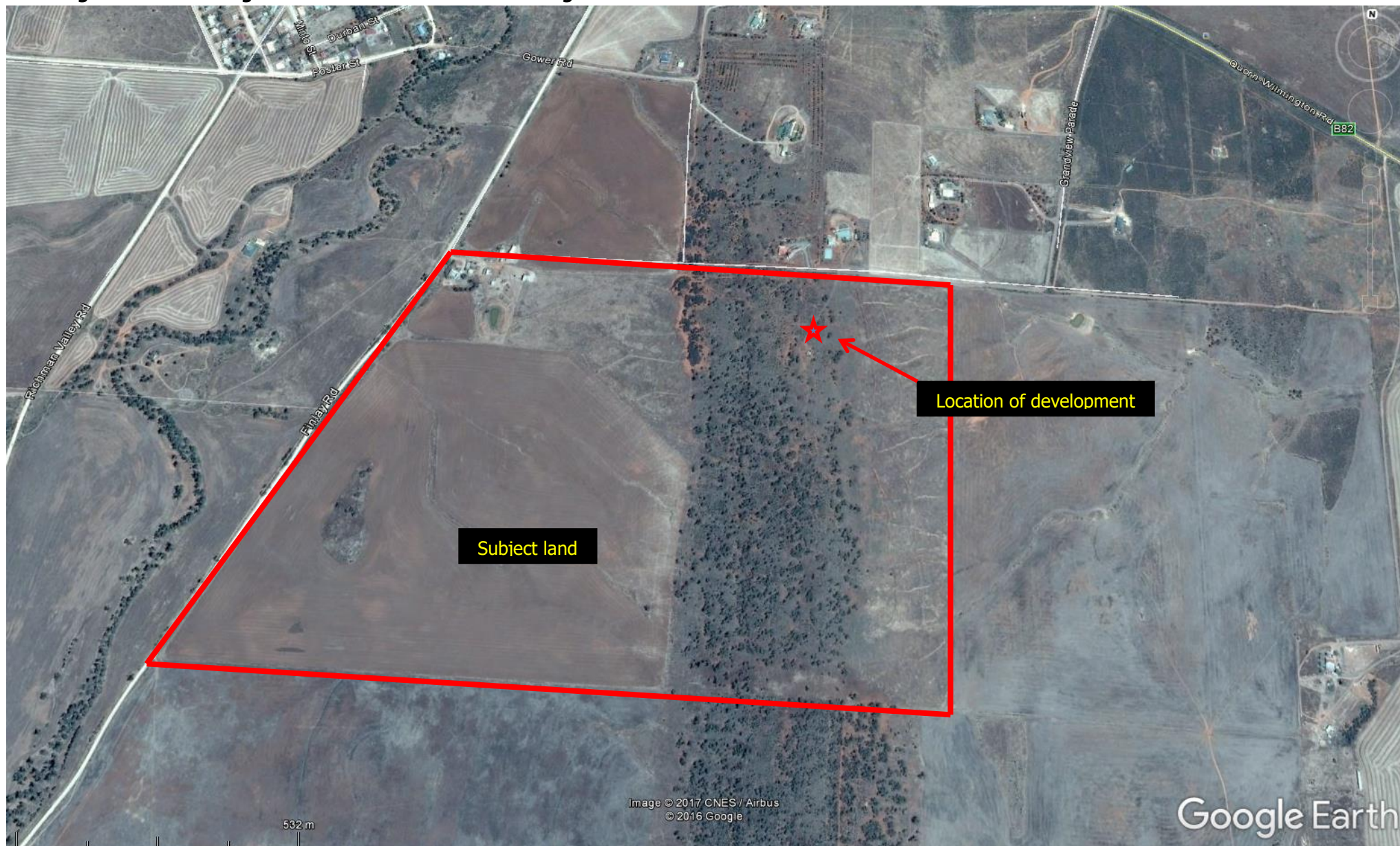
On balance the proposed development is considered to be appropriate and merit granting Development Plan Consent.


## **Recommendation to the Flinders Regional Development Assessment Panel:**

That the Flinders Regional Development Assessment Panel, following consideration and having regard to all relevant matters regarding the proposal by NBN Co. Ltd. (application number 740/0013/2017) for a Telecommunications Facility (Fixed Wireless Facility) at Section 129 Hundred of Pichi Richi, CT 5426/563 – 95 Finlay Road, Quorn SA 5433 be granted Development Plan Consent, subject to the following conditions being imposed:-

1. All work shall be carried out in accordance with the details and plans within the Planning Report – Proposed Fixed Wireless Facility submitted with the application and in accordance with any specifications prepared in accordance with the conditions contained herein and subject to any minor variations to the satisfaction of the Council.
2. It is the requirement of this approval that a suitable bin/bins, or access to bins, be provided. These bins must be of closable type to avoid item blowing out, and upon completion of work on site, be removed and correctly disposed of.
3. The development shall be maintained in a state of good condition to the satisfaction of Council at all times to preserve the amenity of the area.

Figure 2: Aerial image dated 15 November 2015 – Google Earth



	<p><b>FLINDERS REGIONAL DEVELOPMENT ASSESSMENT PANEL</b></p> <p><b>AGENDA</b></p>	<p>Version Number Issued : Next Review GDS</p>	<p>1 8<sup>th</sup> June 2017  9.14.1 Page 5 of 10</p>
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## **6.2 THE DISTRICT COUNCIL OF MOUNT REMARKABLE**

**NIL**

No Applications for The District Council of Mount Remarkable require consideration at this Meeting.

## **6.3 THE DISTRICT COUNCIL OF ORROROO CARRIETON**

**NIL**

No Applications for The District Council of Orroroo Carrieton require consideration at this Meeting.



## 6.4 THE DISTRICT COUNCIL OF PETERBOROUGH

### 6.4.1 DA 504/009/16 – Neil Hucks – Variation to conditions pertaining to an approved motor vehicle wrecking yard

<b>Action</b>	<b>For DECISION</b>
<b>Proponent</b>	<b>Council Officer</b>
<b>Officer</b>	<b>FRC CEO</b>
<b>Development Application</b>	<b>504/009/16</b>
<b>Associated Reports &amp; Documents</b>	<b>Report</b>

#### Officer's Recommendations:

**That** Development Application 504/009/16 for a variation to conditions pertaining to an approved motor vehicle wrecking yard (change to the areas of the wrecking yard to reduce its area, approval for a shed structure and to provide landscaping in lieu of fencing as a screen to the development) at 4 Cotton Road, Peterborough is not seriously at variance with the provisions of the District Council of Peterborough's Development Plan, Consolidated 10<sup>th</sup> October 2013.

**That** Council **Grant** Development Plan Consent to Development Application 504/009/16 for a variation to an approved wreckers yard at 4 Cotton Road, Peterborough, subject to the following conditions:

1. The development herein approved shall be carried out in strict accordance with the plans, including the site plan identified as "Cotton Road Plans" prepared by Corporate Creative Services and accompanying appendices A, and B through F version 1.4, appendix G, Cotton Road shed dimension plan Reference no 2.1 and the document entitled "Annexure to Development Application Re 4 Cotton Road Peterborough SA"; except as varied below.
2. The applicant shall, within 6 months of the date of this consent, replace the fence along the western boundary with the neighbouring property at 7 Badger Street North, extending from the alignment of Badger Street North to the shed (a distance of approximately 70m), with a minimum 1.8m high fence.
3. The applicant shall, within 6 months of the date of this consent erect a minimum 1.8m high fence, with access gates of a similar height as required, along the rear of the vehicle wrecking yard boundary.
4. The applicant shall, within 6 months of the date of this consent erect a minimum 1.8m high fence, with access gates of a similar height as required to the eastern and western return boundary of the vehicle wrecking yard boundary, in lieu of the 1.52m high fence otherwise shown on the site plan.
5. All wrecking yard activity, including the scrap metal transition area, the storage of vehicle parts, vehicle bodies and all unregistered vehicles shall be confined to the vehicle wrecking yard boundary (area) nominated on the site plan.
6. In the event the landscaping to the vehicle wrecking yard boundary is not kept to an appropriate standard to Council's satisfaction in order to maintain a visual barrier to the development from Cotton Road and/or Victoria Street; or is catastrophically damaged, it shall be replaced as necessary by a minimum 1.8m high fence to be located on the property boundary to ensure an appropriate screen is maintained at all times from these vantage points.



- 7 All fencing shall be constructed using new material and shall be constructed in a workmanlike manner to industry specification.
- 8 Within 6 months of this consent all unapproved structures erected since commencement of the land use in 1987 shall be removed.

**Introduction:**

The Flinders Regional Development Assessment Panel is required to determine the application.

**Previous Panel Consideration:**

Nil

**Officer's Report:**

Refer to attached Report from David Hutchison of Access Planning (SA) Pty Ltd.

**Statutory Requirement:**

District Council of Peterborough Development Plan – consolidated 10<sup>th</sup> October 2013  
 Development Act 1993  
 Development Regulations 2008

**Policy/Strategic Implications:**

*The District Council of Peterborough Strategic Management Plan 2011-2015:*

*Strategy Statement:*

Our Vision: A thriving community *again*, with a quality lifestyle and sustainable economic base.

*Strategy Objective:*

Protecting and enhancing the natural and built environment is a key responsibility for local government.

- Protect the natural environment in partnerships with government, industry, and the community
- Maintain and develop the heritage, character and local identity of the towns in the area

**Risk/Liability:**

Likelihood	Consequences				
	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (almost certain)	H	H	E	E	E
B (likely)	M	H	H	E	E
C (moderate)	L	M	H	E	E
D (unlikely)	L	L	M	H	E
E (rare)	L	L	M	H	H

*Legend:*

*E: Extreme risk; immediate action required*  
*H: High risk; senior management attention needed*  
*M: Moderate risk; management responsibility must be specified*  
*L: low risk; manage by routine procedures*

**Voting Requirements:**

Absolute Majority

26<sup>th</sup> May 2017

Ref. 6669PlanningReport

Chief Executive Officer  
District Council of Peterborough  
PO Box 121  
PETERBOROUGH, SA 5422

Access Planning (SA) Pty Ltd  
ABN 57 089 702 241

235 Henley Beach Road  
Torrensview SA 5031

Telephone 08 8130 7222  
Facsimile 08 8130 7299  
admin@accessplanning.com.au  
www.accessplanning.com.au

**ATTENTION:** Lawrence Heath

Dear Lawrence,

**RE: VARIATION TO PROPOSED WRECKING YARD AT 4 COTTON ROAD,  
PETERBOROUGH DA 504/009/16**

As instructed, the following is a general planning assessment of the abovementioned development application.

In preparing this report I have reviewed the council file on the application, visited the subject land and locality on a number of occasions and generally familiarised myself with the relevant provisions of the Development Plan and the subject land.

## **1.0 DEVELOPMENT DETAILS**

Proposed Development:	Variation to conditions pertaining to an approved motor vehicle wrecking yard. (Change to the area of the wrecking yard to reduce its area, approval for a shed structure and to provide landscaping in lieu of fencing as a screen to the development.)
Development Application Number:	504/009/16
Applicant:	Neil Hucks 4 Cotton Road PETERBOROUGH SA 5422
Property Address:	4 Cotton Road, Peterborough
Certificate of Title(s):	Volume 5209 Folio 565
Land Use:	Wrecking Yard and Dwelling
Zone:	Rural Living Zone
Public Notification:	Category 1 - Merit
Authorised Development Plan:	10 <sup>th</sup> October 2013

## 2.0 BACKGROUND

This property has been the subject of an ongoing compliance matter. Development Approval was issued to the applicant to start a vehicle wrecking yard in 1987, subject to conditions.

The conditions attaching to the consent included the following:

- 1 A galvanised iron fence of a height of at least 2.134 metres (7 foot) be erected along the eastern, southern, western and northern boundaries of the subject land.
- 2 The galvanised iron fencing referred to in condition 1 hereof shall be constructed in a manner meeting the reasonable requirements of the Council. If secondhand galvanized iron is to be used in the construction of the said fencing, such iron shall be painted in a colour meeting the reasonable requirements of the Council.
- 3 The galvanised iron fencing referred to in condition 1 and 2 hereof shall be erected and completed in accordance with these two conditions within a period of three months commencing on the date this notification was signed.
- 4 The development hereby approved, including the storage of car- bodies, the removal of parts from car bodies and the storage or parts, shall only be carried out within the boundary of the area to be fenced as referred to in conditions 1 and 2 hereof.

No plans have been found in the Council files and in the absence of this detail, the approval and conditions above are considered to apply to the whole of the land.

None of the above conditions has been complied with.

There has been numerous correspondence between the Council and land owner over the past 25 years regarding the appearance of the site and failure to comply with the original Development Approval, culminating in the Council actually undertaking a clean-up of the site on behalf of the owner in 2003 at a cost to Council of \$1830.00.

Apparently the issue persisted after Councils support for the clean-up of the site, as a result of which the Council issued a Notice of Proposed Order to the land owner in September 2006. This was a precursor to actually issuing an Order pursuant to Section 255(1) of the Local Government Act on 11 September 2006, which enabled the Council to take action in relation to land which is considered to be unsightly.

I am unsure what action was undertaken in response to the Notice of Proposed Order, but no further action seems to have been taken by the Council at this time.

Since that time however, further discussions have been held with Mr. Hucks with a view to bringing the site into compliance with the original approval issued by the Council and more particularly, in having the land owner, which at the time was his mother, comply with the conditions referred to above.

Again, in the absence of any action by the land owner, a Section 84 notice was issued to Eva Jean Hucks, the land owner on 28 August 2012 in relation to this matter

The notice directed the owner to:

- Cease bringing motor vehicles or parts thereof onto the land forthwith
- Erect fencing referred to above within 2 months of the date of the notice.

Since the service of the notice, applicant has been in discussion with me with a view to resolving the issue and in particular the need for fencing to screen the wreckers yard.

I suggested he lodge a new Development Application with a view to limiting the area of the wreckers yard to the rear of the house, which in my opinion was a more manageable area to be fenced and maintained, as opposed to the whole of the site, which appears to have formed the land in the original approval.

In response to those discussions Mr. Hucks lodged an application for a shed on the 5th January 2013, the purpose of which was intended to house and repair some, but certainly not all of the vehicles stored on the land.

The plans were inadequate and a request for more information was sent to Mr. Hucks on the 8th February 2013 which has not been responded to, despite promises from Mr. Hucks that he was having plans prepared by a draftsman.

Further correspondence was sent to the land owner 24 March 2013 seeking a response to the request for more information and advising him of the intention to put a further report to the Council to progress a prosecution pursuant to section 85 of the Development Act.

No response was received, however there have been ongoing discussions with Mr. Hucks about the possible use of landscaping in place of screen fencing to hide the vehicles being stored on the land.

In response to continual requests from the Council Mr. Hucks has lodged a number of applications with the Council, most incomplete by way of a lack of documentation or no payment of fees.

Partly in response to discussions with Mr. Hucks he commenced erecting a fence along the northern boundary of the land. The fence comprised used galvanised iron sheeting, heavily rusted, in very poor condition and which was not properly fixed. Rather than being a solution to addressing the outstanding the fencing works were probably dangerous and made the site look worse. Mr. Hucks was asked to stop erecting the fence and to pull down that part which had been erected.

In April 2015 the Council issued section 85 proceedings against Mr. Hucks.

Those proceedings dealt with;

- The breach of conditions 4 and 5;
- An alleged change of the use in the land from the approved Wrecking Yard use to a Junk Yard. (a large amount of scrap material not sourced from motor vehicles was on the land);
- The construction of a number of buildings on the land without planning or building approval.

The section 85 proceedings finally resulted in the Council being provided with an application to vary the exiting land use.

A series of aerial photographs of the land from 2003 to the present is contained in appendix 1.

## **2.0 SUBJECT LAND AND LOCALITY**

The subject allotment is an irregular shaped allotment located on the corner of Cotton Road and Victoria Street. Due to the allotments shape, the rear of the allotment extends to Badger Street. The Cotton Road frontage is approximately 205 metres, the Victoria Street frontage is

approximately 80 metres and the frontage to Badger Street at the rear of the land is approximately 50 metres. The land has an approximate area of 4 hectares.

The land relatively flat with a very gentle fall from east to west. It accommodates a dilapidated dwelling located relatively centrally on the land with a number of outbuildings, that closest to the dwellings appearing as an old farm shed.

As evidenced from the aerial photo below, some of the land is farmed, some fallow ground with tumbledown fencing whilst approximately half of the land is being used as part of the approved use for a wreckers yard, noting that at least some of the material evident in the various photographs is scrap and waste of various kinds.

The locality is mixed somewhat, with land to the north, east and west given over to farming purposes. Land to the south and south-west are allotments in rural living use.

The local Football oval is located south of the subject land.

In the past Mr. Hucks has located wrecked vehicles and part therefrom on the road reserve at the rear of his land. At Council's request the vehicles were removed and the land has been kept clear since.

The subject land and the locality are shown in Figure 1 below.



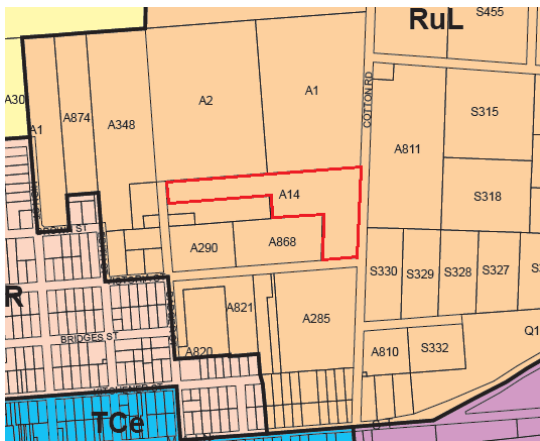
**Figure 1: Subject Land and Locality** Source: Nature Maps ([www.naturemaps.sa.gov.au](http://www.naturemaps.sa.gov.au))

The land is more particularly identified in Certificate of Title Volume 5209 Folio 565.

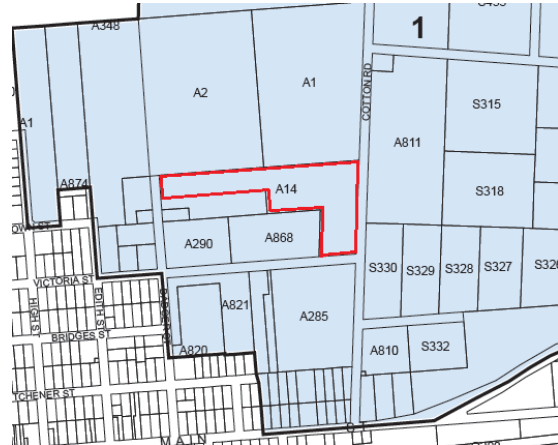
### **3.0 ZONING**

The land is located in the Rural Living zone, Home Industry Policy Area shown on maps Pet/3.





**Figure 2 Subject land and zoning**



**Source Map Pet/3**

#### **4.0 PROPOSED DEVELOPMENT**

The proposed development seeks to vary the original consent to use landscaping in lieu of fencing to screen the wreckers yard, to confine the area for the wreckers yard to the land to the west (rear) of the shed immediately to the west of the house and the for the construction of a shed (existing) that measures 14.6 metres by 3.5 meters standing between 2.0 and 2.1 metres in height. The building will have an area of 51m<sup>2</sup>.

The structure will be clad in corrugated galvanised iron on its northern, western, with doors to the southern elevation. It will be open to the east and is to be located to the north east of the house as depicted on the accompanying site plan.

The site plan shows;

- The area to be set aside for the wreckers yard to be at the rear of the land , 40m from the boundary with Badger Street North, 5m from each side boundary and to not protrude any closer to Cotton Road than the shed at the immediate rear of the house;
- Landscaping to the northern and southern boundaries comprising a range of native species with mature heights varying from 4 to 8m;
- Existing 1.5m high galvanised iron fencing to be retained along the rear 68m of the southern boundary;
- 1.5m high fencing to the eastern and front western boundary return of the vehicle wrecking yard boundary;
- 1.5m high fencing to be erected along the northern boundary, extending from the eastern end of the wrecking yard to the proposed lean-to structure;
- 1.8m high fencing to be erected along the northern boundary, extending eastwards for 65m then returning to the south for a distance of 28m, then returning to the west for 65, with a 1.5m high fence, all creating a fenced compound;
- Landscaping as per bullet point 2 above to the east of the proposed compound and along the northern boundary of the land.

An irrigation system has been established by the applicant using a system of ground level and elevated holding tanks to supply water for the landscaping.

Some of these elements of the development are shown in the photographs in appendix 2.

No use has been nominated for the proposed lean-to structure or the proposed compound but inspection of the land show the lean-to being used to store parts from vehicles and the compound to store vehicles and parts therefrom.

The applicant has recently cleaned up the site, removing a lot of material that is not approved to be on the land such as scrap metal, timber and the like, but also brings new material onto the site regularly.

## **5.0 PUBLIC CONSULTATION**

Given that the application is a variation to an existing and long standing use that does not affect the intrinsic nature of the existing land use, the application has been deemed to be a Category 1 form of development for public notification purposes as a kind of development which is of a minor nature that would not unreasonably impact on the owners of land in the locality.

## **6.0 DEVELOPMENT ASSESSMENT**

In assessing the development proposal I have had regard to the policies applicable to the Rural Living Zone, Home Industry Policy Area and relevant provisions of the General Section of the Development Plan.

Those provisions which are considered to be relevant to the proposal and my assessment of them are as follows:

### **Rural Living Zone**

Objectives: 1 & 2  
Desired Character statement  
Principles: 1, 2 & 6

### **Home Industry Policy Area**

Objectives: 1 & 2  
Desired Character statement  
Principles: 1, 2, 3 & 5

A Wrecking Yard is now listed as a non-complying form of development in the Policy Area.

### **General section**

#### **Interface between Land Uses**

Objectives: 1 & 2  
Principle: 2

#### **Landscaping Fences and Walls**

Objectives: 1 & 2  
Principle: 1, 2 & 3

### **HOME INDUSTRY POLICY AREA**

#### **Objective**

**2 Development that contributes to the desired character of the zone.**

#### **Desired Character**

The Policy Area lies within the Rural Living Zone and is situated largely across the northern part of the Peterborough Township, with land holdings and a mix of land uses within a rural environs setting.

Provision has been made in the policy area for the growth of home industries and provides for a mix of rural and industrial activities, of appropriate location and scale, associated with the primary residential use of the land to take advantage of the proximity to services and infrastructure and compatible with the country setting.

The role of the town, as a regional service centre, supports opportunities for encouraging further rural and limited small-scale industrial development in the area provided the development is appropriate in terms of use, intensity of activity, and environmental impact on adjacent development.

A range of generally small scale industries are listed as envisaged forms of development within both the zone and policy area. Notably, both a wreckers yard and junkyard are now listed as non-complying land uses in the policy area.

#### **Principles**

- 4 Development should not be undertaken unless it is consistent with the desired character for the policy area.**
- 5 Home industries should comply with the following:**
  - (a) an additional on-site car parking space should be provided for every non-resident employee**
  - (b) off-street parking should be provided for all private business and customer vehicles**
  - (c) there should be provision for all loading and unloading of vehicles to take place on the site of the development**
  - (d) no building or activity associated with the home industry should be sited closer to any street alignment than the existing or approved dwelling and, in any event, should be setback at least 30 metres from a road**
  - (e) other than persons living on the site, no more than three persons should be employed on the site**
  - (f) no vehicle used in association with any industry or business should exceed 5 tonnes tare weight**
  - (g) the total area used in association with the home industry should not be greater than 1000 square metres and, in respect to a building, a maximum floor area not greater than 250 square metres**
  - (h) at least 20 per cent of the area of the allotment should be landscaped.**

#### **Interface Between Land Uses**

##### **Objective**

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

##### **Principle**

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

#### **Landscaping, Fences and Walls**

##### **Objective**

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

##### **Principle**

- 1 Development should incorporate open space and landscaping in order to:**
  - (a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)**
  - (b) enhance the appearance of road frontages**
  - (c) screen service yards, loading areas and outdoor storage areas**
  - (d) minimise maintenance and watering requirements**
  - (e) enhance and define outdoor spaces, including car parking areas**
  - (f) provide shade and shelter**
  - (g) assist in climate control within buildings**
  - (h) maintain privacy**



- (i) **maximise stormwater re-use**
- (j) **complement existing native vegetation**
- (k) **contribute to the viability of ecosystems and species**
- (l) **promote water and biodiversity conservation.**

The application before the Panel is not for a change in the use of the land, rather it seeks to vary the conditions applicable to the present approved use to substitute landscaping in place of solid fencing to screen the development from view. More importantly, it seeks to confine the activities of the wrecking yard to the rear of the house.

Wrecking yards are inevitably an activity that can have a significant impact on the character and amenity of an area if not properly managed. Such has been the case with the subject land, with the land use extending to include a wide range of scrap and general material (waste) not derived from motor vehicles. The storage of material on the land has been haphazard, with high grass evident on the property on occasion and seemingly very little effort on the applicant's part to dispose of material that has outlived its usefulness or has no commercial value except as scrap.

Most of the material on the land has been stored at ground level, with little stacking of material, although some larger items such as trucks and commercial vehicles have a height that makes them highly visible.

The land is fortunate to be on the periphery of the town and despite the properties location in the heart of the Rural Living zone, I consider it unlikely (but certainly not impossible) for the land to the north to be more intensively developed.

The main benefit of the application is the ability to define the area to be used for wrecking and to impose conditions requiring that the land use be properly managed. Having said the applicant does not have a good track record when it comes to complying with his obligations in relation to the use and management of the land, or obtaining the necessary approvals for structures which he erects.

The landscaping established by the applicant has been done so in good faith and in the expectation that it will suffice as a screen to the development. The original plantings were largely killed off by frost. A second round of planting has occurred and these now range from 2 to 3 years in age. As can be seen from the photographs in appendix 2, the vegetation still has a long way to go to effectively screen the development, and it is likely to be a few years yet before the landscaping is sufficiently advanced to form an effective visual screen.

The main problem with landscaping is the need for it to be continually maintained, with dead or diseased plants being replaced on an as needs basis. Catastrophic loss of landscaping from a fire in the adjoining paddock, or even from within the subject land is a possibility, after which it will take years for the landscaping to re-establish. For these reasons landscaping alone is rarely relied on as the sole means of screening development.

To some extent, the land is not highly visible, public vantage points are generally some distance away, save from Badger Street North at the rear of the land, and from the neighbouring property to the south west. Land to the north is used for broad acre farming and is unlikely to be more intensively developed in the foreseeable future. Views of the land are available across the paddock from Cotton Road, but again, and for the most part these are distant views.

Confining all of the wrecking yard activity to the rear of the land will assist in minimising the impact of the development.

Having regard to the above I am satisfied that landscaping will go some way to minimising the visual impact of the development. I am not however satisfied that the full extent of screening proposed is adequate.

I believe that screening at the rear of the land should be improved by;

- Replacement of the fence along the western boundary with the neighbouring property extending from the alignment of Badger Street North to the shed ( distance of approximately 70m, with a minimum 1.8m high fence;
- A minimum 1.8m high fence to be erected along the rear of the vehicle wrecking yard boundary, with all wrecking yard activity, including the scrap metal transition area, to be confined to the vehicle wrecking yard area inside of the fence.

In addition I consider it appropriate that in the event the landscaping is not kept to an appropriate standard to maintain a visual barrier to the development from Cotton Road or Victoria Street, or is catastrophically damaged, that it be replaced by a minimum 1.8m high fence.

Further conditions are proposed confining all the activities of the wrecking yard, including the storage of car parts, car bodies and unregistered vehicles to the vehicle wrecking yard boundary.

## 7.0 CONCLUSION

Having regard to the above assessment of the proposed development against the relevant provisions of the Peterborough (DC) Development Plan, on balance I consider that the variation is an appropriate subject to the imposition of strict conditions relating to the landscaping and on-going management of the land;

## 8.0 RECOMMENDATION

Having regard to the above and following assessment of the proposed development against the provisions of the Peterborough (DC) Development Plan I do not consider the application to be at serious variance with the relevant provisions of the Development Plan.

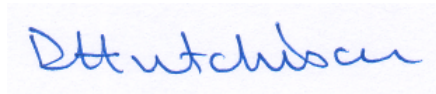
It is recommend that Council **Grant** Development Plan Consent to Development Application 504/009/16 for a variation to an approved wreckers yard at 4 Cotton Road , Peterborough, subject to the following conditions:

1. The development herein approved shall be carried out in strict accordance with the plans, including the site plan identified as “Cotton Road Plans’ prepared by Corporate Creative Services and accompanying appendices A, and B through F version 1.4, appendix G, Cotton Road shed dimension plan Reference no 2.1 and the document entitled “Annexure to Development Application Re 4 Cotton Road Peterborough SA”; except as varied below.
2. The applicant shall, within 6 months of the date of this consent, replace the fence along the western boundary with the neighbouring property at 7 Badger Street North, extending from the alignment of Badger Street North to the shed (a distance of approximately 70m), with a minimum 1.8m high fence.
3. The applicant shall, within 6 months of the date of this consent erect a minimum 1.8m high fence, with access gates of a similar height as required, along the rear of the vehicle wrecking yard boundary.

- 4 The applicant shall, within 6 months of the date of this consent erect a minimum 1.8m high fence, with access gates of a similar height as required to the eastern and western return boundary of the vehicle wrecking yard boundary, in lieu of the 1.52m high fence otherwise shown on the site plan.
- 5 All wrecking yard activity, including the scrap metal transition area, the storage of vehicle parts, vehicle bodies and all unregistered vehicles shall be confined to the vehicle wrecking yard boundary (area) nominated on the site plan.
- 6 In the event the landscaping to the vehicle wrecking yard boundary is not kept to an appropriate standard to Council's satisfaction in order to maintain a visual barrier to the development from Cotton Road and/or Victoria Street; or is catastrophically damaged, it shall be replaced as necessary by a minimum 1.8m high fence to be located on the property boundary to ensure an appropriate screen is maintained at all times from these vantage points.
- 7 All fencing shall be constructed using new material and shall be constructed in a workmanlike manner to industry specification.
- 8 Within 6 months of this consent all unapproved structures erected since commencement of the land use in 1987 shall be removed.

Should you wish to discuss any aspects of this report please do not hesitate to contact me on 81307222. Alternatively, I can be contacted via email at [dhutchison@accessplanning.com.au](mailto:dhutchison@accessplanning.com.au).

Yours Sincerely,



David Hutchison  
**ACCESS PLANNING (SA) Pty Ltd**

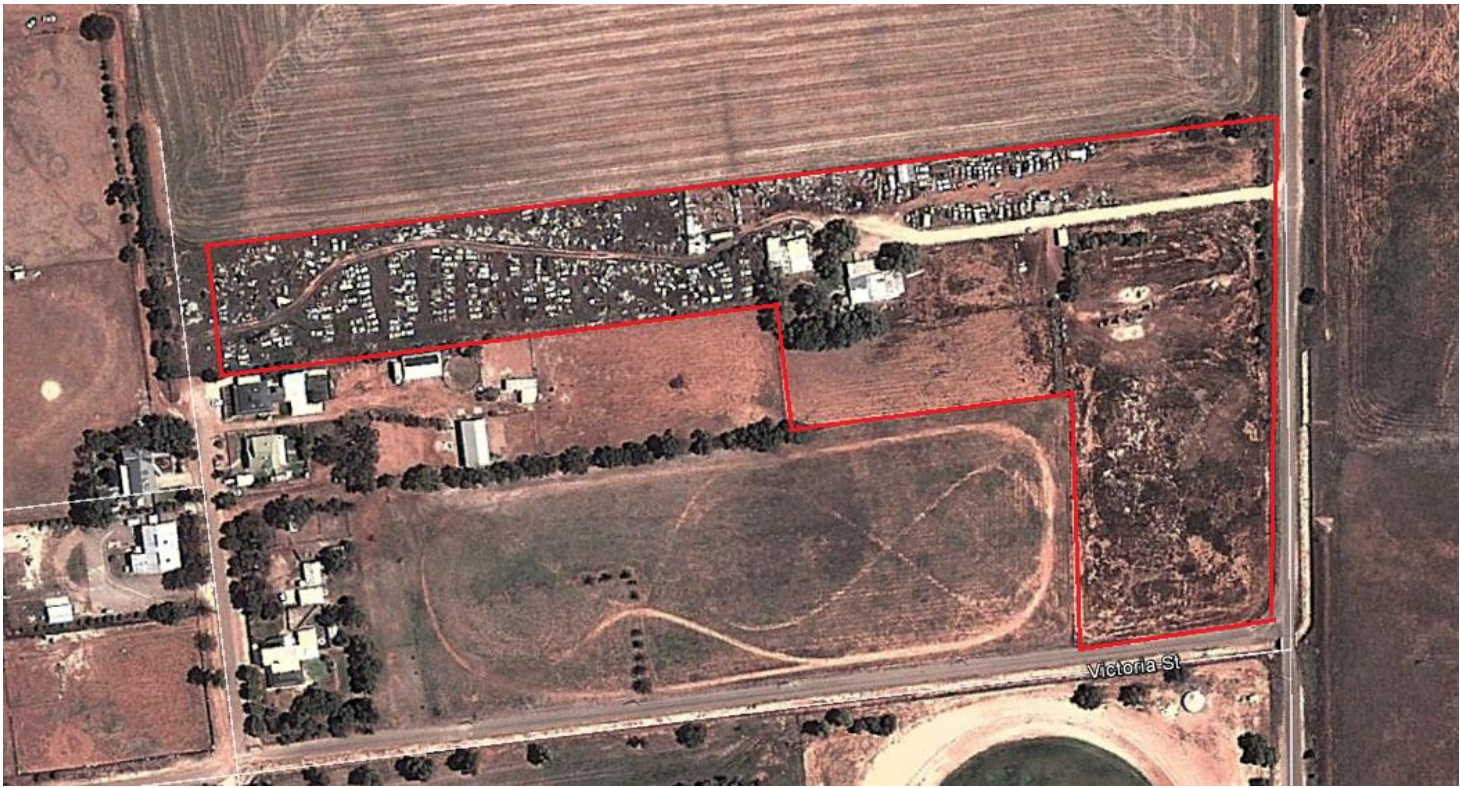
APPENDIX 1  
AERIAL PHOTOGRAPHS  
OF THE  
SUBJECT LAND SINCE 2003





Subject land August 2003

Source Google Earth



Subject land July2012

Source Google Earth





Subject land November 2013

Source Google Earth



Subject land October 2015

Source Google Earth

APPENDIX 2  
SELECTED PHOTOGRAPHS  
OF THE  
SUBJECT LAND



Lean to structure for which approval is being sought. There is no approval for the adjoining shed or lean-to to its right hand side



The proposed lean to which is proposed to be retained



Looking east showing existing 1500mm high fence to western boundary which is proposed to be retained






Early establishment of screen landscaping along the northern boundary with irrigation pipes evident



The subject land looking south west showing the screen planting 2 years on from the photo above. The blue drums and elevated tank are part of the watering system set up for the landscaping. Not the visibility of the yellow crane and trach to the left of the photo.





	<p align="center"><b>FLINDERS REGIONAL DEVELOPMENT ASSESSMENT PANEL</b></p> <p align="center"><b>AGENDA</b></p>	<p>Version Number Issued : Next Review GDS</p>	<p>1 8<sup>th</sup> June 2017  9.14.1 Page 8 of 10</p>
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## **7. OTHER BUSINESS:**

### **7.1 DISTRICT COUNCIL OF MOUNT REMARKABLE**

### **7.2 THE FLINDERS RANGES COUNCIL**

### **7.3 DISTRICT COUNCIL OF ORROROO CARRIETON**

### **7.4 DISTRICT COUNCIL OF PETERBOROUGH**

#### **7.4.1 UPDATE – HORSE YARDS, 113 VICTORIA STREET, PETERBOROUGH**

Further to the report provided at the Panel Meeting held on 13<sup>th</sup> April 2017, a follow up report has been supplied by Lawrence Heath, Development Officer. A copy is attached for the information of members.

The Panel first considered this application at a Meeting held on 11<sup>th</sup> April 2016.

**For discussion and determination**

## District Council of Peterborough

### Inspection – 113 Victoria Street – sections 392 and 395 Torr street, Peterborough.

The following is an assessment of compliance against the conditions set for the temporary Development Approval. Development Plan Consent Application no 504/015/15 for the keeping of up to nine horses on the land comprising sections 392 and 395, number 113 Victoria Street Peterborough, be approved subject to the following conditions:

1. Except as varied by these conditions, the development shall be in accord with the information contained in the application documents.
2. The subject land and all improvements and fixtures thereon shall be maintained in a good orderly and serviceable condition at all times to the satisfaction of Council.
3. Each year prior to winter the paddocks marked 1, 2,3 and 5 on the approved plan shall be contour ploughed and, as required, be over sown with a suitable winter grass to maintain pasture cover and minimise water runoff.
4. Pasture cover shall be maintained by resting paddocks, through weed control, the irrigation and fertilisation of pasture as required.
5. Paddocks shall be rested when the pasture gets down to 4cm in height, or when pasture cover is below 70%.
6. Horse shelters shall be provided to each paddock in accordance with the approved plan, such shelters to be constructed within 6 months of the date of the consent being granted.
7. Landscaping shall be established in accordance with the approved plans utilising Atriplex nummularia (Old Man Saltbush) as the principal species, but shall be interspersed with suitable native shade trees endemic to the locality at regular intervals.
8. Landscaping as required in condition 7 and as depicted in the approved plan shall be fully established within 12 months of the consent being granted.
9. The landscaping referred to in condition 8 hereof shall be maintained in good heart and condition at all times, with dead, diseased or dying plants being replaced as necessary, to the reasonable satisfaction of Council.
10. The street boundary to yards 9 and 10 shall be fenced with appropriate solid sheet metal or timber fencing to a height of at least 1.5mtr, such work to be undertaken within 6 months of the date of this consent.
11. Stables and horse yards less than 100m<sup>2</sup> in area shall have a base of 10cm of compacted rubble or dolomite topped with 15cm of sand, shell grit or sand woodchip mix.
12. Litter from the floor of stables and yards shall be collected regularly as required but will be undertaken at least weekly and the material disposed of along with manure.
13. All horse feed and/ or fodder shall be stored in vermin proof containers.
14. Manure and soiled litter shall be collected daily and stored in sealed containers with a fly proof lid which shall be kept closed at all times except when manure is being deposited or removed from the manure bin.
15. Manure and litter shall be removed from the land every 2 to 3 days or more regularly as required.
16. Manure bins shall be washed out once weekly.
17. The proposed wash-down area shall be established within 3 months of the date of this approval.
18. The wash-down area shall be drained to a soakage pit, which be cleaned from time to time as required to maintain appropriate soakage and to minimise fly and vermin breeding.

19. No water from the stables runs or paddocks shall be allowed to discharge to the street water table unless all litter material has been removed from that water by way of a suitable stormwater treatment such as a filtration trench which if required shall be maintained to the reasonable satisfaction of the Council.
20. Driveways and vehicular trafficable areas shall be paved with quarry rubble or compacted crusher dust, such works to be completed to Councils satisfaction prior to winter

The above property was inspected on Thursday 8<sup>th</sup> June 2017 between 10:20 am and 10:55 am by Peter Mc Guinness and myself.

Findings are as follows:

The number of horses on site at the time of the inspection was fifteen (15).

Paddocks 1, 2, 3 and 5 have been contour ploughed but there are no visible signs of over sowing with appropriate grass or irrigation.

No new horse shelters have been erected

No new landscaping has been established

Street boundary fences have not been replaced or renewed.

Stable and horse yards are in the same condition as they were at the last site inspection (no new flooring/base cover).

Litter and manure is not being removed from stables and yards on a regular basis.

Feed is still being kept in open containers

Manure and litter is being kept in open piles.

No wash down area has been established

Driveways and trafficable areas have not been paved or altered in any way.

The condition of the site have not changed significantly from the last site visit by the panel. Most conditions set have been ignored and or not achieved by the property owner.

## **RECOMMENDATION**

That any decision be deferred until after the panels site inspection on 19<sup>th</sup> June 2017

Lawrence Heath

Development and Regulatory Services Officer

## 7.5 REGIONAL DEVELOPMENT ASSESSMENT PANELS

<b>Action</b>	<b>For DECISION</b>
<b>Proponent</b>	<b>Panel Officer</b>
<b>Officer</b>	<b>Public Officer</b>
<b>Associated Reports &amp; Documents</b>	<b>Example letter sent to CEOs</b>

Attached is a copy of a letter sent to all Council CEOs regarding the introduction of the new planning system under the Planning, Development and Infrastructure Act 2016.

Also attached is an information sheet *'Assessment Panels – What do Councils need to do?'*

The 1<sup>st</sup> October 2017 has been proclaimed as the 'designated day' on which new assessment panels are to be constituted.

A response must be forwarded to the Minister for Planning before 1<sup>st</sup> September 2017 to enable sufficient time to establish the Regional Assessment Panel before 1<sup>st</sup> October 2017.

**For discussion & determination**





2017/08612/01

30 May 2017

Mr Stephen Rufus  
Chief Executive Officer  
District Council of Orroroo Carrieton  
PO Box 3  
ORROROO SA 5431

**Government  
of South Australia**

Deputy Premier  
Attorney-General  
Minister for Justice Reform  
Minister for Planning  
Minister for Industrial Relations  
Minister for Child Protection  
Reform  
Minister for the Public Sector  
Minister for Consumer and  
Business Services  
Minister for the City of  
Adelaide

45 Pirie Street  
ADELAIDE SA 5000

GPO Box 464  
Adelaide SA 5001  
Tel 08 8207 1723  
Fax 08 8207 1736

Dear Mr Rufus

**RE: REGIONAL DEVELOPMENT ASSESSMENT PANELS**

The introduction of our new planning system is now well underway with the first stages of the *Planning, Development and Infrastructure Act 2016* (PDI Act) now in place. As you may be aware, one of the platforms of the new PDI Act is increased professional decision making and reduced political representation on assessment bodies such as the State Planning Commission and Council and Regional Assessment Panels. The system also seeks to promote regional cooperation and support councils working together, through a series of new planning tools, such as planning agreements and the continuation of Regional Assessment Panels (RAPs).

I strongly support your Council's current participation in a Regional Development Assessment Panel (Regional DAP) under the current *Development Act 1993*. To enable this to continue, I would encourage you to reconstitute your Panel as a RAP under the new PDI Act.

I propose that on **1 August 2017** sections 82-87 and clauses 12-16 of Schedule 8 of the PDI Act commence operation by Governor's proclamation, to set in place the new framework for assessment panels. I also propose that the Governor proclaims **1 October 2017** as the 'designated day' on which the new assessment panels are to be constituted. I propose regulations be developed to transfer responsibilities from existing panels to the new Regional Assessment Panels from that later date.

Please note that under the PDI Act, only one member of a RAP may be an elected member of a council. Members will not need to be 'accredited professionals' at this stage although they should have relevant expertise. I propose that the requirement for accredited professionals on panels be introduced by mid-2018, once the new accredited professional's scheme is operational.

An update to the 'Assessment Panels' fact sheet has been uploaded to the SA Planning Portal which outlines in more detail the process of transitioning panels from the old to the new system.

The new fact sheet can be found [saplanningportal.sa.gov.au/documents/factsheets/Factsheet - Assessment Panels.pdf](http://saplanningportal.sa.gov.au/documents/factsheets/Factsheet_-_Assessment_Panels.pdf). Links are provided in the fact sheet to the instruments required to effect the new panels – a Code of Conduct, the draft regulations, and the draft RAP procedures, for information.

I would appreciate a response from your Council and/or the other participating Councils in your Regional DAP, to advise whether you wish for me to constitute a RAP to succeed your existing Regional DAP, before 1 September 2017 to enable sufficient time to establish the RAP prior to 1 October should that be your desire. I would also appreciate being provided with details of any interested persons who you may wish to nominate for me to consider for RAP membership.

For further information or queries in relation to these matters you may contact Mr Mark Adcock, Unit Manager Planning Reform, Department of Planning Transport and Infrastructure on telephone (08) 7109 7068 or [mark.adcock@sa.gov.au](mailto:mark.adcock@sa.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Rau', with a stylized flourish at the end.

**John Rau**  
Deputy Premier  
Minister for Planning

## Assessment Panels – What do Councils need to do?

### Update #2 – commencement date for new panels

The first stages of transition from the existing *Development Act 1993* (Development Act) to the new *Planning Development and Infrastructure Act 2016* (the “PDI Act”) commenced operation on 1 April 2017 following proclamation of the PDI Act and the *Statutes Amendment (Planning, Development and Infrastructure) Act 2017* (the transitional Act) on 28 March 2017. Some components of the Acts have come into force immediately and others have been suspended to commence later in the staged implementation process.

The Initial provisions provide for planning tools and governance frameworks to be introduced in stages as parts of the Development Act are phased out.

The transitional Act makes specific provision for the transition to the new **Council and Regional Assessment Panels** as one of the early governance arrangements to be implemented under the new system.

### The New Assessment Panels

The PDI Act provides for a range of Assessment Panels to make decisions on more complex developments and on those matters which may be prescribed by regulations.

The following kinds of panels are proposed:

- Council Assessment Panel – replaces Council’s current Development Assessment Panel (DAP) function.
- Joint Planning Board Assessment Panel – appointed by a Joint Planning Board.
- Combined Assessment Panel – established by the Minister to be involved in applications across different legislation (eg planning and mining or liquor licensing).

- Regional Assessment Panel – established by the Minister and comprises parts or all of the areas of two or more Councils.
- Local Assessment Panel – constituted by the Minister upon recommendation of the Commission following an inquiry into an existing Council Assessment Panel.

### When does Council need to establish an Assessment Panel?

The transition arrangements have enabled existing Council and Regional assessment panels to continue to operate as Assessment Panels under the PDI Act from 1 April 2017.

The initial implementation program identified July 2017 as the target date for commencement of the new Panel arrangements. It is now proposed to commence operation of sections 82-87 and clauses 12-16 of Schedule 8 of the PDI Act (new panel requirements) on **1 August 2017**, and designate **1 October 2017** as the date from which the new panels must be constituted and operating.

This provides approximately 5 months from now for councils to appoint their new Council Assessment Panel (CAP) under section 83 of the PDI Act, in order to make development assessment decisions from 1 October 2017.

In respect to Regional Development Assessment Panels (RDAPs) the transition provisions enable the Minister to appoint a new Regional Assessment Panel (RAP) as successor to the current RDAPs, or a new RAP. It will therefore be necessary for Councils currently represented by a RDAP to consider how they wish to proceed in the future. Affected Councils are requested to advise the Minister of their preferred approach as soon as possible and by no later than **1 September 2017** in order for the Minister to consider and make the necessary appointments.

It is therefore important for Councils to begin giving consideration to the process for amending the membership of their current DAPs/RDAPs. This could be a matter of retaining a core membership of existing Panel members and reducing the number and composition to meet the new requirements.

The new Assessment Panels could also initially adopt the operating procedures of the current Panels to simplify the transition process.

Arrangements for transitioning to Assessment Panels will be a matter for each Council or group of Councils to determine based upon their individual circumstances.

## **Membership of Assessment Panels**

The membership of Assessment Panels established by Councils, or in the future a Joint Planning Board, should be comprised of no more than five members, only one of which may be a member of a Council.

A Panel will need at least three members to be legally constituted.

The establishment and membership of a Regional Assessment Panel will be determined by the Minister on request from a group of councils. One member of these Panels may be a member of a Council.

Members of Parliament are not eligible to be appointed to panels. Panel members will be subject to similar disclosure of financial interests and conflict of interest provisions as exist currently.

The procedures of an Assessment Panel must comply with any requirements prescribed by the regulations. Draft regulations, a draft Code of Conduct, and draft procedures for Regional Assessment panels have been prepared and can be accessed on the SA Planning Portal. See the end of this fact sheet for detail.

These instruments reflect similar procedures to that currently operating. Panels may adopt any other procedures it determines necessary, providing they are consistent with those prescribed by regulation.

## **Do Assessment Panel members need to be 'accredited professionals'?**

All independent members of an Assessment Panel will need to be accredited professionals.

However, a Council member (or former Council member) on an Assessment Panel will not need to be an accredited professional if the designated authority (being the Council or the Joint Planning Board as the case may be) is satisfied that the person is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.

For transitional purposes, the requirements for other members of panels to be accredited are suspended. An accreditation scheme is currently being prepared (further separate information will follow) and is expected to be in place by the end of this year.

The implementation plan for the new planning system identifies July 2018 as the anticipated date for commencement of the accreditation requirements, giving a six month window within which members can be accredited in the first instance. The actual date for commencement will be proclaimed in due course closer to the anticipated date.

## **When do Assessment Panels need to have an Assessment Manager appointed?**

An Assessment Panel must have an Assessment Manager who is appointed by the Chief Executive Officer of a Council (in the case of a Council Assessment Panel) or a Joint Planning Board (in the case of a Joint Planning Board Assessment Panel) or the Minister (in the case of a Regional Assessment Panel).


Assessment Managers will either need to be accredited professionals, or may be a person prescribed by regulation.

Under the transitional arrangements, the accreditation requirement for Assessment Managers is also suspended until a future date, likely to be the same date as Panel members will be required to be accredited – July 2018.

## **Further Information**

The draft regulations, draft Code of Conduct, and draft procedures for Regional Assessment panels can be viewed at

[www.saplanningportal.sa.gov.au/our\\_new\\_system/dev\\_elpment\\_assessment](http://www.saplanningportal.sa.gov.au/our_new_system/dev_elpment_assessment).

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**8. NEXT MEETING:**

**9. CLOSURE:**