



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

**Date:** Tuesday, 20 December 2022  
**Time:** 5.00 p.m.  
**Location:** City Hall  
10 Watson Terrace  
Mount Gambier

# **AGENDA**

## **Limestone Coast Southern Regional Assessment Panel 20 December 2022**

A handwritten signature in black ink, appearing to read "Tracy Tzioutziouklaris".

**Tracy Tzioutziouklaris  
Assessment Manager  
15 December 2022**

**Order Of Business**

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**1 ACKNOWLEDGEMENT OF COUNTRY**

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

**2 APOLOGY(IES)**

Nil

**3 CONFIRMATION OF MINUTES**

Limestone Coast Southern Regional Assessment Panel - 15 November 2022

**RECOMMENDATION**

That the minutes of the Limestone Coast Southern Regional Assessment Panel meeting held on 15 November 2022 be confirmed as an accurate record of the proceedings of the meeting.

**4 QUESTIONS WITHOUT NOTICE****5 INVITEES**

- As from 1 October 2017, every Council is required to establish an Assessment Panel under provisions within the Planning, Development and Infrastructure Act 2016 to determine and make decisions on development applications as delegated to the Panel.
- When the Panel is considering an application, it must assess the proposal against the Planning and Design Code.
- The meeting itself is informal, however, all decisions made by the Assessment Panel are formal.
- Representors will be allocated 5 minutes to make their presentation, after which, Panel Members may ask questions to clarify any issues. It is solely a question and answer session. There will be no debate entered into.
- Council Officers will advise you of the decision as soon as practical after the meeting.

**Invitees for Item 6.1 – 10 Milsteads Road, Port MacDonnell**

The Applicant – Mr Steve Moignard  
The Representor – Gretel Sneath

The Representor – Jeff and Leonie Feast, represented by Gretel Sneath

The Representor – Emma and Grant Fensom

The Representor – Jenna Griffiths, represented by Gretel Sneath

The Representor – Judith Hanson, represented by Gretel Sneath

The Representor – David Hanson, represented by Gretel Sneath

The Representor – Kylie and Michael Higgs, represented by Gretel Sneath

The Representor – Ken Jones

The Representor – Adrian Riley, represented by Gretel Sneath

The Representor – Richard Sage

The Representor – Gaynor Smith, represented by Gretel Sneath

The Representor – Jonny Smith, represented by Gretel Sneath

The Representor – Andrew Sneath, represented by Gretel Sneath

The Representor – Jamison Sneath, represented by Gretel Sneath

The Representor – Phoebe Sneath, represented by Gretel Sneath

The Representor – Rodney Virgo

## 6 REPORTS

**6.1 TOURIST FACILITY INCLUDING TOURIST ACCOMMODATION (20 GLAMPING TENTS), CAFÉ, ACTIVITY CENTRE, CAMP KITCHEN AND AMENITIES, OUTDOOR EVENT SPACE (100 PEOPLE), RECEPTION/SHOP AND ASSOCIATED CONSERVATION WORKS, UPGRADED AMENITIES, CARPORT, PARKING, SOLAR SYSTEM AND ENTRANCE GATES – REPORT NO. AR22/86549**

<b>DEVELOPMENT NO.:</b>	22022947
<b>APPLICANT:</b>	Stephen Moignard
<b>ADDRESS:</b>	10 Milsteads Road, Port MacDonnell
<b>NATURE OF DEVELOPMENT:</b>	Tourist facility including tourist accommodation (20 glamping tents), café, activity centre, camp kitchen and amenities, outdoor event space (100 people), reception/shop and associated conservation works, upgraded amenities, carport, parking, solar system and entrance gates.
<b>ZONING INFORMATION:</b>	<p><b>Zone:</b></p> <ul style="list-style-type: none"> <li>• Conservation</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Hazards (Bushfire - General)</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Prescribed Wells Area</li> <li>• State Heritage Place</li> <li>• State Significant Native Vegetation</li> <li>• Water Protection Area</li> </ul>
<b>LODGEMENT DATE:</b>	12 August 2022
<b>RELEVANT AUTHORITY:</b>	Limestone Coast Southern Regional Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	Dated 12/08/2022 as per attachments
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Damian Dawson - Consultant Planner
<b>REFERRALS STATUTORY:</b>	Minister responsible for the administration of the Heritage Places Act 1993 Native Vegetation Council
<b>REFERRALS NON-STATUTORY:</b>	Nil

### REPORT RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR22/86549 titled 'Tourist facility including tourist accommodation (20 glamping tents), café, activity centre, camp kitchen and amenities, outdoor event space (100 people), reception/shop and



associated conservation works, upgraded amenities, carport, parking, solar system and entrance gates' as presented on 20 December 2022 be noted.

2. It is recommended that the Limestone Coast Southern Regional Assessment Panel/SCAP resolve that:
  - (a) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
  - (b) Development Application Number 22022947, by Stephen Moignard is **granted** Planning Consent subject to the following reasons/conditions/reserved matters:

#### CONDITIONS

1. Development shall be undertaken in accordance with the approved plans, except where varied by the following conditions.
2. The events and associated noise generating activities shall meet the requirements of the *Environment Protection (Noise) Policy 2007*.
3. A maximum of 6 events per year shall be hosted upon the subject land with a maximum of 100 guests. The proponent shall keep a register of events held upon the property, including the number of guests in attendance, for inspection of the Council upon request.
4. Any live or recorded entertainment at events held upon the land shall conclude at 10pm.
5. The site shall be maintained in a neat and tidy condition at all times, to the reasonable satisfaction of Council.
6. The carpark shall be surfaced with an all-weather material and designed to meet the relevant Australian Standard AS 2890.1.
7. A wastewater approval for all new septic systems and alterations to existing systems is required prior to the issuing of Full Development Approval.
8. Elevations of the ground mounted solar array shall be provided to the satisfaction of Council prior to the issue of Building Rules Consent for these structures.

#### Conditions imposed by Native Vegetation Council under Section 122 of the Act

9. Prior to any clearance of native vegetation, the Native Vegetation Council must provide written confirmation that the Significant Environmental Benefit requirements under the Native Vegetation Act 1991 have been satisfied.

10. Clearance areas are to be defined with barriers, pegs, flags or temporary fencing to ensure that native vegetation outside the approved area is not damaged.
11. Native Vegetation and trees retained in close proximity to the construction activity zone are to be protected with barriers (i.e. fencing or flagging) in accordance with the Australian Standard for Protection of Trees on Development Sites AS 4970-2009;
12. Stockpiled materials, including cleared vegetation and excavated soil is not to be placed under native trees or on top of native understorey outside the approved area
13. Construction vehicles, equipment or materials are not to be stored or placed on top of native vegetation outside the approved clearance area
14. Construction vehicles, equipment or materials are not to be stored or placed within the Tree Protection Zone of retained trees
15. Pruning is to be conducted in accordance with the Australian Standard for Pruning Amenity Trees (AS4373-2007). Branches or limbs are to be cut cleanly back to the nearest fork
16. To offset the loss of any large, hollow bearing trees the landholder is to arrange for appropriate hollows from cleared trees to be carefully removed and relocated to a nearby suitable area.

#### ADVISORY NOTES

Advisory Notes imposed by Native Vegetation Council under Section 122 of the Act

1. The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2022/3292/732

Advisory Notes imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

2. Please note the following requirements of the Heritage Places Act 1993.
  - (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
  - (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required



prior to commencing excavation works. For further information, contact the Department for Environment and Water.

3. Please note the following requirements of the Aboriginal Heritage Act 1988.
  - (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.





**DETAILED DESCRIPTION OF PROPOSAL:**

The applicant seeks to undertake a range of works across the subject land as outlined within the plans prepared by Habitable Places Architects, including:

- Re-opening of the heritage cottage to public visitors
- Erection of 20 glamping/bell tents (8 metre diameter) for short term tourist accommodation use (up to 4 people per tent)
- Construction of a reception building for checking in of guests
- Construction of a combined bathroom/camp kitchen building for glampers with battery room
- Construction of an activity room including an indoor dining/activity space, kitchen, bathrooms, service yard and verandah
- Installation of ground mounted solar array
- Upgrade of existing amenities building including installation of showers and construction of new verandahs
- Construction of a freestanding carport
- Conservation and restoration work to Dingley Dell historic cottage and use as an interpretive centre and tea rooms
- Restoration of the picnic shelter adjacent to the cottage
- Upgrade of existing camp kitchen structure
- Alterations to existing caretakers' residence to create an office within an existing room
- Upgrades and extension of existing access and internal roadways and formalisation of 50 car parking spaces
- Restoration and repair of existing entrance gates and pillars
- Use of central activities area for up to 6 events per year for a maximum of 100 guests, and
- Clearance of native vegetation – total of 0.207 hectares

The proposal is also set out within the:

- Business Case prepared by the applicant
- Native Vegetation Clearance Report prepared by Peter Tucker
- Wastewater plans prepared by Tonkin Engineering
- Carport plans prepared by Shed n Homes

The applicant has indicated that the development will be constructed in the following stages:

1. upgrades to wastewater management and camp kitchen, installation of solar and 7 tents
2. construction of the events space, remaining 13 tents and new amenities/batteries building
3. construction of the balance of the buildings



## BACKGROUND:

It is understood that the applicant has applied for and received part funding for the project from the Department for Environment and Water, owners of the subject land (Dingley Dell Conservation Park). The funding was provided as part of a Nature Based Tourism initial by the Department. As part of the funding agreement the applicant has been awarded a 20-year lease over the subject land.

It is also understood that the Department is currently reviewing the management plan for the Dingley Dell Conservation Park to allow for the proposed tourist accommodation use.

## SUBJECT LAND & LOCALITY:

### Site Description:

**Location reference:** 10 MILSTEADS RD PORT MACDONNELL SA 5291

**Title ref.:** CT 5831/263 **Plan Parcel:** F195326 AL714 **Council:** THE DC OF GRANT

The subject land consists of a single allotment located on the north western corner of Milsteads Road and Grundys Lane to the north west of the Port MacDonnell township. The subject land has a total area of approximately 5.8 hectares with approximate frontages of 365 metres to Milsteads Road (a sealed bitumen road) along the southern boundary and 160 metres to Grundys Lane (an unsealed road) along the eastern boundary.

The land is well vegetated with a mixture of native and introduced plants with a series of clearings and building located within the eastern portion of the land. The land contains the State Heritage listed Dingley Dell Cottage along with several ancillary outbuildings. A more recently constructed caretakers' residence and associated sheds and outbuildings are located within the eastern portion of the land adjacent to Grundys Road. The land is owned by the Crown and has previously been open to the public at various times for viewing and tours of the heritage buildings and use of the adjacent picnic grounds. A permanent caretaker was previously resident upon the site. It is understood that the cottage has not been formally open to the public for 2 to 3 years since the caretaker retired. Public access to the site more broadly is understood to still be permitted although the gates from Grundys Lane appear to be permanently closed given their current state of disrepair.

Photographs of the subject land are included within the attachments.



Figure 1: Subject land



## Locality

The locality is predominately open farming land used for a mixture of grazing and cropping. The Germain Flora and Fauna Reserve is located on the opposite side of the intersection to the south east of the subject land. Allotments are generally larger rural/farming allotments with smaller rural living sized allotments located to the south along the eastern side of Springs Road and to the east along the northern side of Dingley Dell Road.

The locality is generally flat to the north and east of the subject land and undulating to the west and south with a series of high and low points heading towards the coast.

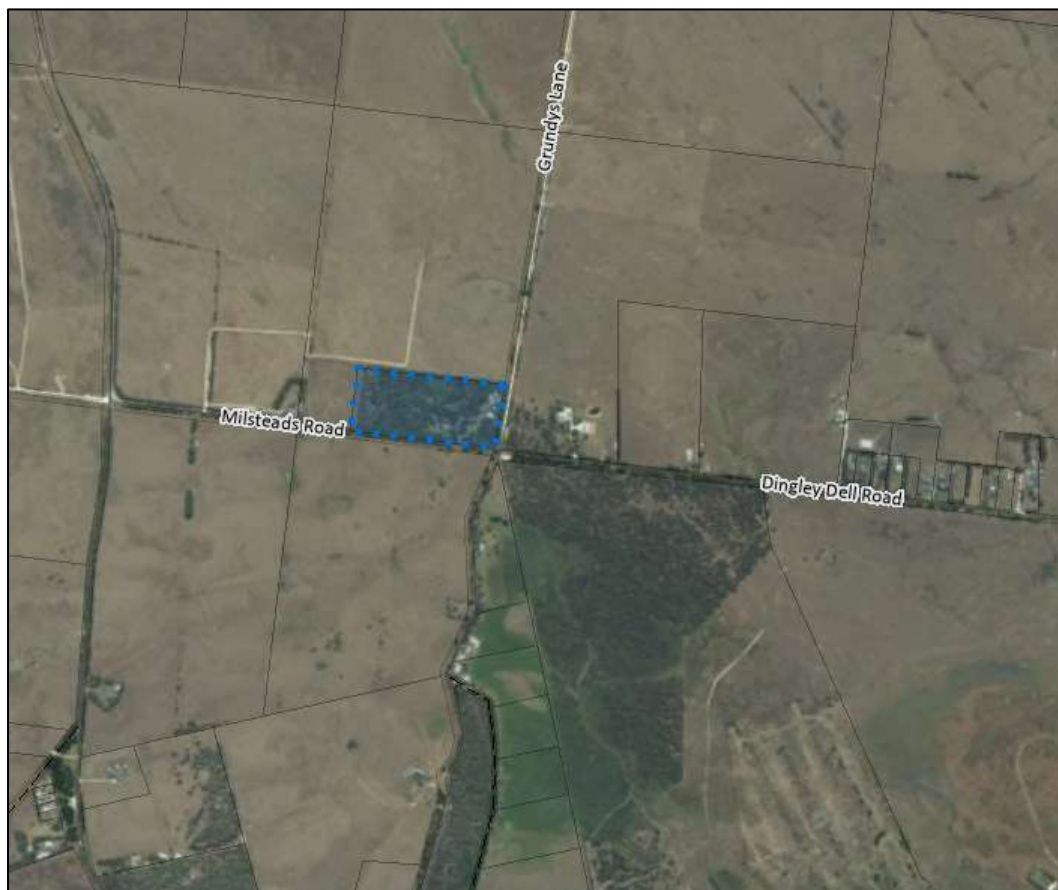


Figure 2: Subject locality

### CONSENT TYPE REQUIRED:

Planning Consent

### CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
  - Tourist accommodation: Code Assessed - Performance Assessed
  - Shed: Code Assessed - Performance Assessed
  - Dwelling addition: Code Assessed - Performance Assessed
  - Office: Code Assessed - Performance Assessed
  - Carport: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
  - Code Assessed - Performance Assessed
- **REASON**



All elements are Performance assessed as they are neither Deemed to Satisfy or Restricted within the P&D Code

## PUBLIC NOTIFICATION

- **REASON**

Tourist accommodation is not exempt from notification within Table 5 and proposal not considered minor.

- **LIST OF REPRESENTATIONS**

Representations were received from the following 24 people during the public notification process:

	<b>Name</b>		<b>To be heard</b>	<b>Represented by</b>
1	Jeff and Leonie	Feast	Yes	Gretel Sneath
2	Emma and Grant	Fensom	Yes	
3	Jenna	Griffiths	Yes	Gretel Sneath
4	Judith	Hanson	Yes	Gretel Sneath
5	David	Hanson	Yes	Gretel Sneath
6	Kylie and Michael	Higgs	Yes	Gretel Sneath
7	Ken	Jones	Yes	
8	Kevin	Mott	No	
9	Vicki	Ridley	No	
10	Adrian	Riley	Yes	Gretel Sneath
11	Richard	Sage	Yes	
12	Melissa	Smith	No	
13	Kylie	Smith	No	
14	Gaynor	Smith	Yes	Gretel Sneath
15	Parker	Smith	No	
16	Jonny	Smith	Yes	Gretel Sneath
17	Shannon	Smith	No	
18	Andrew	Sneath	Yes	Gretel Sneath
19	Jamison	Sneath	Yes	Gretel Sneath
20	Gretel	Sneath	Yes	
21	Phoebe	Sneath	Yes	Gretel Sneath
22	Debra	Thompson	No	
23	Rodney	Virgo	Yes	
24	Nathan	Woodruff	No	



- **SUMMARY**

The following table provides a summary of the matters raised by the representors along with a summary of the applicant's response. Copies of all submissions made, and the applicant's response are available in the attachments.

<b>Representor's Issues</b>	<b>Applicant's Response</b>
Sensitive nature of flora and fauna	Native Vegetation clearance has been granted subject to payment of \$8,246 into the Native Vegetation Fund.
Weed Spread	The applicant has provided comment outlining that full-time staff shall spray weed species on the site, and other unspecified weed spraying would be undertaken by maintenance staff.
Management Plan for Dingley Dell Conservation Park	The applicant advises that a management plan is currently being prepared by DEW. Furthermore, the applicant provides comment that this management plan is forthcoming with new additions relating to glamping tents which would be subject to review after undergoing public consultation.
Public Access and Privatisation of a National Park	The applicant confirms that Dingley Dell will remain accessible to the public during daylight hours. They reinforce that the site will undergo improvements such as toilets, amenities BBQs and new fridges which would service the public during their viewing of all the Adam Lindsay Gordon's possessions.
A manager can't control everything 24/7	The applicant outlines that security features, such as cameras will be provided.
Impact on pre-existing accommodation	The applicant summarises that the economic viability of a development application is not a component of its assessment under the Planning & Design Code.
Potential damage to heritage features Piece of local history [heritage values]	The applicant refers to the comments and support of the proposal by Heritage South Australia.
Flooding risk	The applicant refers to guidance from the former property caretaker who advised that stormwater issues are a result of blocked council drains located at the north-eastern corner of the property. They outline that this drainage matter can be addressed through appropriate maintenance and if still an issue, redressed through upgrades with the installation of a series of pumps that would move this excess water to higher ground.
Fire risk	The CFS has been consulted about the proposal and has raised no objections. Personal use fire pits will be fully contained and all fire safety regulations and compliance with fire bans will be strictly enforced.
Wastewater management	Wastewater has been specified by Tonkin Engineering to State Government standards. There is no risk of "effluent run-off" due to this proposal.
Rubbish	The applicant outlines that rubbish bins be provided on site and where necessary private waste collection services will be contracted and provided which do not rely upon the District Council of Grant.



Parking	The proposal includes provision for 44 car parking spaces on-site which is more than enough for the 20 proposed glamping tents and short-term events of 100 persons.
Unsafe intersection	The Milstead Rd intersection is an extremely low traffic area and will continue to be so under our proposal. The increased traffic at this intersection will be insignificant and the intersection itself offers no particular hazards as it is cleared, wide and with good visibility.
Applicant has not sought meeting with traditional owners	Applicant attempted to contact Ken Jones by telephone but was never called back prior to lodging the proposal. The applicant notes that they contacted several people in government about traditional owners for Dingley Bell and was advised that none were registered.
Extra café not required in town	The café proposal at Dingley Dell is a very modest affair of a coffee machine in the rear lean-to and some tables to provide a place to reflect at the competition of museum tours.
Noise	<p>The applicant outlines that their GIS review of data outlines that they did not locate a residence within 200 metres of the proposed Dingley Dell performance area.</p> <p>The applicant reinforces that the nearest residences are between distances of 250 metres to the northeast, and up to 700 metres to the south</p> <p>They then reinforce that they do not consider one live music act every 60 days running to 1.00am with a maximum of 100 guests would provide any more inconvenience than the weddings held at Dingley Dell in the past.</p>
Visual impact of solar array	The solar array is designed to be ground-mounted along the Northern boundary and invisible to guests. In fact, the only living thing that will notice the solar array is the livestock in the adjoining paddock.
Dogs and Livestock	The applicant reinforces that dogs are required to be leashed on-site, and that patrons entering land outside of Dingley Dell is illegal, and not a practice that has been experienced on other sites they manage.

## AGENCY REFERRALS

- **Minister responsible for the administration of the Heritage Places Act 1993**

The proposal was sent to Heritage South Australia for comment on behalf of the Minister responsible for administration of the Heritage Places Act 1993 on account of the State Heritage listing of the subject land. Heritage South Australia are of the view that the development is acceptable in relation to the State Heritage listing for the following reasons:

- *The proposed works to the museum cottage are of a minor nature and do not adversely affect built heritage fabric of value*
- *Proposed works to existing 'historic shelter' structure will not affect the heritage setting of the museum cottage*
- *Siteworks, ancillary building works and car parking changes will not impact on the setting of the museum cottage as works are mostly out of view of the cottage and its garden setting.*



A copy of the comments is attached. No conditions were directed to be attached to any consent issued by the RAP.

- **Native Vegetation Council**

The application proposes the removal of native vegetation which triggered a referral to the Native Vegetation Council. The applicant provided a native vegetation assessment undertaken by an Accredited Native Vegetation Consultant. This was reviewed by the NVC which has indicated that they are supportive of the proposed clearance subject to the imposition of conditions in relation to the payment of a Significant Environmental Benefit and management of the remaining native vegetation during construction.

## INTERNAL REFERRALS

No internal referrals undertaken.

## PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code (the Code), which are contained in Appendix One.

The subject land is located within the Conservation Zone, with the neighbouring rural properties located within the Rural Zone and the adjacent Flora and Fauna Reserve and land to the south east within the Open Space Zone as showing within Figure 3 below. The assessment of the proposal has been limited to the provisions of the Conservation Zone along with the relevant overlays and general policies as outlined within the attached extract of the Code provisions.



Figure 3: Subject land and zoning



## Land Use

The predominate use proposed is that of tourist accommodation to be undertaken within the 20 tents to be erected within the central portion of the land. The amenities buildings, activity centre, caretakers' residence, parking and solar panels seek to support the proposed tourist accommodation use.

Secondary uses of the land for functions/events and the interpretive centre and tea rooms within the cottage are also proposed but ultimately these uses seek to add value to or leverage off the tourist accommodation use proposed.

The Desired Outcome (DO) of the Conservation Zone seeks the following:

*The conservation and enhancement of the natural environment and natural ecological processes for their ability to reduce the effects of climate change, for their historic, scientific, landscape, habitat, biodiversity, carbon storage and cultural values and provision of opportunities for the public to experience these through low-impact recreational and tourism development.*

The proposal is considered to achieve the intent of the Desired Outcome through the 'provision of opportunities for the public to experience these (areas) through low-impact recreational and tourism development'. The proposed glamping tents and associated amenities and facilities are considered to be 'low-impact' in their footprint and form as well as the general level of use and visitation anticipated. Whilst there will be some impacts in terms of the clearance of vegetation the proposed extent of clearance (0.2 hectares) is acceptable given the extent of vegetation to be conserved, the general low quality of the vegetation to be removed and the commitment by the applicant to undertake weed eradication.

The proposed uses are also supported by Conservation Zone Performance Outcome (PO) 1 which seeks:

*Small-scale, low-impact land uses that provide for the conservation and protection of the area, while allowing the public to experience these important environmental assets.*

This is further supported by PO 1.2 which lists 'small-scale facility associated with the interpretation and appreciation of natural and cultural heritage such as public amenities, camping grounds, remote shelters or huts' as an appropriate form of development and Designated Performance Feature (DPF) 1.1 which lists 'camp ground' as an envisaged use within the zone.

The proposal will provide the opportunity to appreciate both the natural and cultural heritage of the Conservation Park with the ability to walk and camp amongst the vegetation as well as visit and discover the heritage cottage and surrounding buildings. The applicant has indicated that the park will be open to the broader public as well as paying guests with tours of the heritage cottage to resume as well as the broader ability for the public to utilise the park and picnic areas.

The proposal is considered to achieve the broader requirements of the Tourism Development portion of the General Development Policies within the Code, PO 1.1 of which seeks:

*Tourism development complements and contributes to local, natural, cultural or historical context where:*





- a) *it supports immersive natural experiences*
- b) *it showcases South Australia's landscapes and produce*
- c) *its events and functions are connected to local food, wine and nature.*

The proposed glamping tent locations and arrangement are considered to provide the desired immersive natural experience as well as clustering the built form elements together so as to '*minimise environmental and contextual impact*' as sought by PO 1.2. Whilst this is the case the spacing and retention of native vegetation between tents will still provide a sufficient level of privacy and amenity as sought by PO 2.2.

As Dingley Dell Conservation Park is a Conservation Park constituted under Schedule 4 of the National Parks and Wildlife Act 1972 additional requirements apply within the Tourism Development policies, including the following:

*PO 3.1 Tourist accommodation avoids delicate or environmentally sensitive areas such as sand dunes, cliff tops, estuaries, wetlands or substantially intact strata of native vegetation (including regenerated areas of native vegetation lost through bushfire).*

*PO 3.2 Tourist accommodation is sited and designed in a manner that is subservient to the natural environment and where adverse impacts on natural features, landscapes, habitats and cultural assets are avoided.*

*PO 3.3 Tourist accommodation and recreational facilities, including associated access ways and ancillary structures, are located on cleared (other than where cleared as a result of bushfire) or degraded areas or where environmental improvements can be achieved.*

*PO 3.4 Tourist accommodation is designed to prevent conversion to private dwellings through:*

- a) *comprising a minimum of 10 accommodation units*
- b) *clustering separated individual accommodation units*
- c) *being of a size unsuitable for a private dwelling*
- d) *ensuring functional areas that are generally associated with a private dwelling such as kitchens and laundries are excluded from, or physically separated from individual accommodation units, or are of a size unsuitable for a private dwelling.*

The proposed tents and amenities are considered to adequately satisfy the above policies as they:

- are not located within sand dunes, cliff tops, estuaries, wetlands or intact strata of native vegetation;
- require a minimal amount of native vegetation clearance which has been approved by the Native Vegetation Council;
- are limited such that the natural environment is still the predominate feature of the park;
- utilise existing access roads and are generally located within existing cleared areas or degraded patches of native vegetation;
- will allow for environmental improvements to be made to the remainder of the park through the eradication of weeds; and
- are not able to be converted into private dwellings.



Overall, the proposed use of the land for tourist accommodation and associated activities and events is considered to be appropriate within the zone at the scale and intensity proposed.

## Heritage and Design

Conservation Zone PO 4.1 and 4.2 provides the following commentary in relation to appropriate built form and character within the zone:

*PO 4.1: Development is sited and designed unobtrusively to minimise the visual impact on the natural environment by:*

- a) using low-reflective materials and finishes that blend with, and colours that complement, the surrounding landscape*
- b) being located below hilltops and ridgelines*
- c) being screened by existing vegetation.*

*PO 4.2: Development is sited and designed to minimise impacts on the natural environment by:*

- a) containing construction and built form within a tightly defined site boundary*
- b) minimising the extent of earthworks.*

The proposal generally seeks to refurbish and add to the existing structures and buildings upon the land. New buildings, including the tents, are located away from the boundaries of the land, screened by existing vegetation both within the site and surrounding it. All buildings are single storey with generally small footprints. The proposed solar array along a portion of the northern boundary is considered to be the only element visible from outside of the subject land, The panels face towards the adjoining rural property with no dwellings or sheds located adjacent or nearby the panels, which will not be visible from any public road, as such there will be minimal visual impact. The final details of the height and arrangement of the panels is yet to be confirmed with a condition of consent recommended seeking these details to be provided.

The proposed additions and new structures utilise simple roof forms and materials which are considered to be sympathetic to the existing character and form of heritage buildings upon the land. The applicant proposes only minor internal works for the State Heritage Listed Cottage which seek to reactivate and reuse this building for public tours and the hosting of an interpretive display and artefacts relating to Adam Lindsay Gordon's life and work.

It is noted that Heritage South Australia are supportive of the proposal, both the works to the heritage places as well as the general development of the land. The proposed structures are considered to be respectful of the heritage buildings upon the land whilst providing for a suitable level of interest and detailing.

## Traffic, Access and Parking

The application seeks to utilise the two existing access points to the land and the existing one-way access road and angled parking areas. Additional parking is proposed within a new loop road around the caretakers' residence, utilising an existing maintenance track. It is understood that buses previously attended the site for tours. Smaller buses would be able to enter the site with larger buses



parking along the wider section of Grundys Lane adjacent the entrance or on the south eastern side of the intersection adjacent the entrance to the Flora and Fauna Reserve.

Guests' cars are to remain within the south eastern portion of the site with guests checking in at the reception or office and then parking their cars and unpacking their luggage. The manager or staff member will then drive the guests to their tent in an electric cart along with their baggage. Guests will then traverse the site on foot to access facilities.

A new access from Milsteads Road is proposed to service the activities building during events or if a larger group staying at the property wishes to have a caterer attend the site and have group meals within the activities building. The location of the access is considered to have a sufficient level of visibility along the road to enable safe and convenient access.

The subject land is afforded relatively direct access from Riddoch Highway along Dingley Dell Road. During events it is anticipated that most guests would travel from this direction with some dispersion along other roads including Smiths Road to the west which links back into Port MacDonnell. The proposed events, up to 6 a year with a maximum of 100 guests are not anticipated to create traffic movements over and above the capacity of the adjacent and surrounding road network. It is also anticipated that a number of those guests would be staying at the site (potentially up to 80) and therefore not adding to the movement of vehicles at the commencement or end of the event.

Approximately 50 car parking spaces are proposed around the access road, with additional parking for staff within the sheds and garage associated with the caretakers' residence. This number of spaces is considered to be sufficient to accommodate the general day to day parking demand of the tourist accommodation and general visitors to the land. It is also sufficient for the events with some ability to park larger vehicles such as buses outside of the site along with some overflow parking along adjacent roads. Such an arrangement is acceptable for up to 6 events a year, particularly given that no adjoining properties gain access from the roads directly adjacent to the site.

## **Interface**

Concern has been raised as to the potential impact of the proposal upon the surrounding rural land uses and neighbouring dwellings. The closest dwelling is approximately 220 metres from the event space (140 metres to the property boundary) to the east at 150 Dingley Dell Road with the dwellings at 56 Milsteads Road to the west and 141 Springs Road to the south both approximately 440 metres from the event space.

No dwellings have direct line of sight of the proposed buildings or the events area which are either screened by the topography of the land and/or vegetation upon the land, within the road reserves or upon adjoining properties. The potential impact upon adjoining owners is likely to be noise from the use of the land, including events, and the movement of traffic within the locality.

In terms of traffic movements, it is anticipated that the general number of guests and visitors to the site would not generate an unreasonable level of noise or activity upon surrounding roads. The general movements to and from the site are likely to be spread across the day and week with slightly greater numbers on weekends. It is understood that the site has previously hosted tours and visitors which would have generated a level of activity and movement within the locality. Whilst the proposal will seek to generate a greater level of activity than previously experienced, through the offering of



accommodation, it is unlikely to be excessive in the context of the locality and the proximity of the land to Port MacDonnell and the highway.

During events the movements will be greater and more concentrated around the time of commencement and at the end of the event. The limitation of 6 events per year and 100 guests will effectively cap the potential impact with a number of those guests anticipated to be staying at the property. Most importantly this will reduce the number of movements after the event, which have the greatest potential to impact upon the amenity of neighbours. The applicant has confirmed that they are willing to cease any entertainment or music at these events at 10pm. This finish time aligns with the EPA Noise Guidelines as the commencement of the 'night time hours' at which point the allowable noise limits decrease.

The limitation of 6 events per year is a common practice which aligns with the Victorian EPA guidelines that allow a slightly greater level of noise for such events on the basis that they are infrequent across the year. The Victorian guideline is readily adopted in South Australia which does not have an equivalent policy.

The proposal is not anticipated to have any impacts on the ongoing farming of surrounding rural land given that the tents and buildings are generally removed from the boundaries and screened by existing vegetation. Tourist accommodation is commonplace within rural areas with guests generally cognisant that there will be rural activities undertaken within such areas.

## Overlays

The following Overalls apply to the subject land:

- Hazards (Bushfire - General)
- Hazards (Flooding - Evidence Required)
- Prescribed Wells Area
- State Heritage Place
- State Significant Native Vegetation
- Water Protection Area

The following Overlays are of most relevance to the assessment:

### Hazards (Bushfire - General)

The General Bushfire Overlay represents the lowest level of risk. Whilst the subject land is well vegetated it is generally surrounded by large open paddocks and farming land, therefore minimising the risk of being impacted by bushfires. The applicant has provided a basic bushfire survival plan which will be given to guests as they book.

The site is accessible to CFS appliances from both frontages with the activities upon the site generally confined to the south eastern portion adjacent the public road frontages and the internal access track. Whilst the tents are not required to meet the construction requirements on account of them being moveable structures the activities building will need to meet the relevant standards for the relevant Bushfire Attack Level of the site during the Building Consent assessment stage to enable it to be used as a place of refuge during a bushfire if guests are unable to evacuate.



### State Heritage Place

The cottage upon the land is State Heritage listed, with the proposed conservation works and fit out formally considered by Heritage South Australia staff. The proposal is considered to retain the heritage value of the site with improvements to the listed buildings and appropriately designed and located new buildings sufficiently removed from the heritage places. The new buildings are visually separated from the heritage buildings and well screened by the existing gardens and native vegetation.

Ultimately Heritage South Australia staff have indicated support for the proposal, with a copy of their comment within the attachments.

### State Significant Native Vegetation

This Overlay seeks the protection, retention and restoration of significant areas of native vegetation. As noted above the applicant seeks to remove 0.2 hectares of native vegetation, primarily to accommodate the glamping tents and the activities building. A vegetation assessment/report has been provided by the applicant which details the extent and quality of vegetation to be removed. Most of the vegetation to be removed is considered to be of low value with extensive coverage of invasive weeds across the areas of native vegetation. The applicant has committed to managing and seeking to eradicate the weeds which should allow for the regeneration of the native understorey.

The proposal was referred to the Native Vegetation Council who has indicated that they are supportive of the clearance. It is further noted that the NVC has formally approved the clearance, a copy of the approval is included within the attachments.

The proposal is considered to strike a suitable balance between the clearance of lower-level vegetation to allow for the tourist use of the site which will assist in generating income to enact the desired and much needed weed control/eradication.

## **CONCLUSION**

As outlined within the above report the proposal is considered to exhibit a sufficient degree of merit to warrant the grant of consent. In particular the proposal is considered to be appropriate for the following reasons:







- Tourist accommodation and use of the land for a limited number of functions are considered value-adding uses that are appropriate within the Conservation Zone.
- The uses proposed are not considered to impede on the function or operation of rural activities being undertaken on neighbouring properties within the locality.
- The limited number of functions and maximum of 100 guests is considered reasonable in this context, subject to adherence with the *Environment Protection (Noise) Policy 2007*.
- The tourist accommodation use is considered to create minimal amenity concerns.
- The conservation and re-use/re-opening of the heritage cottage will be a positive to the locality.
- The Overlays that apply to the subject land are adequately addressed with the proposal.



- The extent of vegetation clearance proposed is considered to be relatively minimal and will lead to a better outcome in terms of ongoing weed management

Whilst the proposal will result in a level of traffic, noise and impact within the locality, where it has not previously existed, the impacts are considered to be acceptable given the nature of the use, the level of vegetation/screening and the separation provided to nearby sensitive land uses.

## ATTACHMENTS

1. Application Documents 
2. Photos of Subject Land 
3. Representation Map 
4. Representations 
5. Response to Representations 
6. Prescribed Body Responses 



**7 URGENT MOTIONS WITHOUT NOTICE**

**8 MEETING CLOSE**