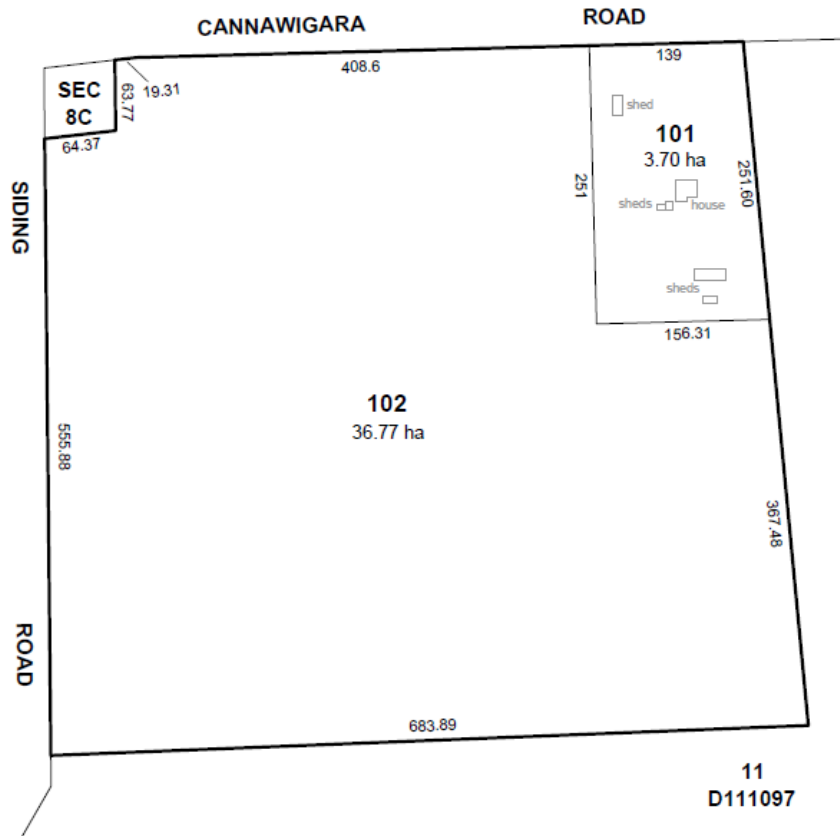


ASSESSMENT REPORT

Development Application 26013925

913 Cannawigara Road, Cannawigara SA 5268



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**APPENDIX 1:**

**Appendix 1A - Relevant P&D Code Policies**

**ATTACHMENT 1:**

**Attachment 1A – Proposed Plan of Division**

**RESTRICTED DEVELOPMENT – NOT TO PROCEED**  
*To the delegate of the STATE PLANNING COMMISSION (SPC)*

<b>DEVELOPMENT NO</b>	26013925
<b>APPLICANT</b>	Michael Weckert
<b>NATURE OF DEVELOPMENT</b>	1 into 2 Land Division
<b>ZONE / SUBZONE</b>	<ul style="list-style-type: none"> <li>Rural</li> </ul>
<b>OVERLAYS</b>	<ul style="list-style-type: none"> <li>Hazards (Bushfire - General) (General)</li> <li>Heritage Adjacency</li> <li>Hazards (Flooding - Evidence Required)</li> <li>Limited Land Division</li> <li>Native Vegetation</li> <li>Prescribed Wells Area</li> <li>Water Protection Area</li> <li>Water Resources</li> </ul>
<b>TNVS</b>	None
<b>LODGEMENT DATE</b>	22/05/2026
<b>P &amp; D CODE VERSION</b>	2026.9 14/05/2026
<b>RELEVANT AUTHORITY</b>	SPC – Section 94(1)(b) of the <i>Planning, Development and Infrastructure Act 2016</i>
<b>DELEGATION</b>	State Commission Assessment Panel Delegations Policy – Delegation 5.2.8
<b>RECOMMENDING OFFICER</b>	Daniel Marotti, Planning Officer

**EXECUTIVE SUMMARY:**

The applicant is proposing a 1 into 2 land division at 913 Cannawigara Road, Cannawigara. The two parcels, Lot 101 and Lot 102, measure approximately 3.7ha and 36.77ha in size, respectively. Lot 101 will accommodate the site's existing dwelling and ancillary structures, and Lot 102 will accommodate the site's existing farmland/use.

The application is considered a Restricted Development as it is dividing land within the Limited Land Division Overlay and the Rural Zone.

The proposed development does not – to the extent that warrants proceeding to assessment - demonstrate a reasonable prospect in achieving a favourable assessment.

It is recommended that in respect of Development Application 26013925 the Commission, acting through its delegate, REFUSE to proceed with an assessment of the application and issue a refusal pursuant to Section 110 (14) of the *Planning, Development and Infrastructure Act 2016*.

**1. Description of Proposal**

The proposal is seeking a 1 into 2 land division (creating one additional allotment) at 913 Cannawigara Road, Cannawigara. The proposed parcel characteristics are below:

- Lot 101 –

- Approximately rectangular in shape, measuring at 3.7ha in size, with a Cannawigara Road frontage of 139m and depths of 251 & 251.6m.
- Will accommodate the site's existing dwelling, ancillary structures, and Cannawigara Road access.
- Lot 102 –
  - Irregular shaped allotment measuring at 36.77ha in size, with Cannawigara Road and Siding Road frontages of 408.6m and 555.88m, respectively.
  - Will accommodate the site's existing farming land/ use.

The application won't require the removal of native vegetation.

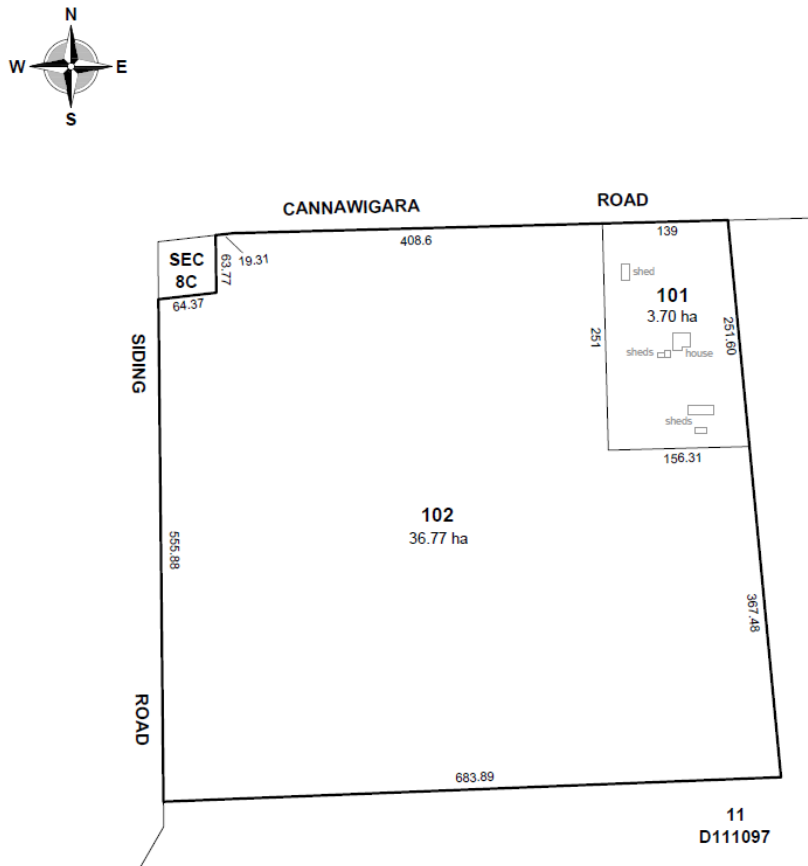


Figure 1 – Proposed plan of division (part of Alexandre Symonds dwg 26G0047-PROP(A)revA)

Table 4 of the Rural Zone identifies that Land Division within the Limited Land Division Overlay is classified as a Restricted Development if not a boundary realignment or creating an additional allotment to accommodate an existing dwelling within the Dwelling Excision Overlay. Therefore, as the proposal is not an exempt form of land division within the Zone, the application is a Restricted Development.

**2. Location of Development**

<b>Location reference:</b>	913 CANNAWIGARA RD CANNAWIGARA SA 5268
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<b>Title ref.:</b>	CT 5585/324	<b>Plan Parcel:</b>	D50292 AL99	<b>Council:</b>	Tatiara District Council
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The subject site is in a rural location of Cannawigara and the Tatiara District Council.

The locality consists of agricultural allotments circa 65ha in size, with no discernible pattern of development/ allotment layout.

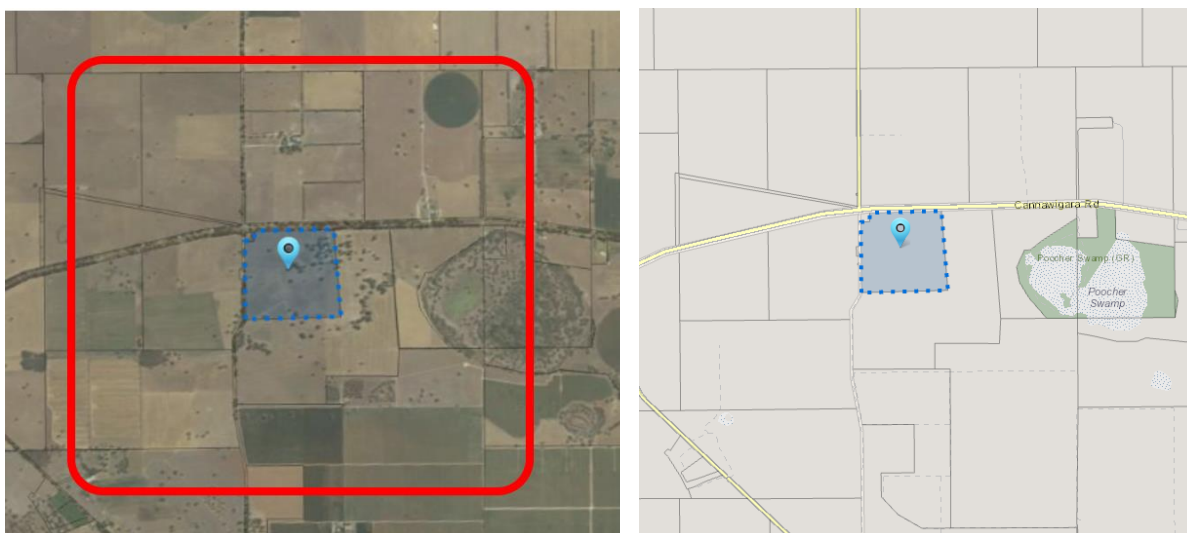
Allotments predominately consist of agricultural uses, as exhibited by row cropping and pivot irrigation, and are typically accompanied by a dwelling and ancillary structures, such as outbuildings and agricultural buildings.

Allotments are accessed from sealed and unsealed roads.

The locality is relatively flat with an indiscernible western fall.

A water course briefly enters the site's southern area, which drains from the eastern Poocher Swamp.

Local Heritage Place (LHP) #18255 - Hall, Former Congregational Church, abuts the subject site's northwest corner. The LHP fronts onto Cannawigara Road and Siding Road.



**Figure 2** – Subject site and locality (left), and cadastre (right, SAPPA)

### 3. Restricted Development Principle

Section 110 (1) of the *Planning, Development and Infrastructure Act 2016* (the Act) sets out that the State Planning Commission (SPC) is the relevant authority for the assessment of a development proposal that is categorised as a restricted development.

The Commission, acting through its delegate, may refuse an application without proceeding to make an assessment of a restricted development application (see section 110(14) of the Act).

The *State Planning Commission Practice Direction 4 Restricted Development* (the Practice Direction) prescribes the circumstances under which the Commission will assess restricted development as follows:

5 – *Circumstances under which the Commission will assess restricted development*

- (1) *For the purposes of section 109(1)(a)(i) of the Act, the Commission, acting through its delegate under section 30(3) of the Act, will proceed to assess an application for restricted development unless it appears to the delegate that there is no reasonable prospect of a favourable assessment.*
- (2) *A decision to refuse to proceed with an assessment of a restricted development must include the reasons for refusal.*

The Commission must first decide whether to proceed with an assessment of the proposed development or refuse the application without proceeding to an assessment pursuant to Section 110 (14). The purpose of this initial decision is to identify if a proposal has a 'fatal flaw' in terms of its planning merit.

#### 4. Discussion

The intent of the Rural Zone (Zone), especially in relation to the proposal, is communicated through its Desired Outcome (DO) 1 (underlining added):

*"A zone supporting the economic prosperity of South Australia primarily through the production, processing, storage and distribution of primary produce, forestry and the generation of energy from renewable sources",*

and Performance Outcome (PO) 1.1 (underlining added):

*"The productive value of rural land for a range of primary production activities and associated value adding, processing, warehousing and distribution is supported, protected and maintained".*

Succinctly, the Zone seeks to preserve land for economically viable productive use.

The Zone's intent is further entrenched via the Limited Land Division Overlay's (Overlay) DO 1 and PO 1 that both seek to protect primary production land through preventing its fragmentation, with PO 1 specifically stating that:

*"Land division does not result in the creation of an additional allotment".*

When considering the intent of both the Zone and Overlay, Lot 101's ability to maintain productive rural land is compromised due to its relatively small size and is exacerbated by it accommodating established vegetation within the Native Vegetation Overlay, and a scattering of buildings and structures, including a dwelling.

In addition, the lot's potential productive land cover could be further reduced if buffering around the dwelling is needed to mitigate agricultural impacts.

Further to the above, the locality does not incorporate a minimum site area Technical and Numeric Variation (TNV) that could support the land division application, for example, if the proposal were to satisfy a minimum productive site area or replicate the locality's pattern of development that was guided by a TNV. Therefore, as no TNV is applied to the locality and the locality's allotments are typically larger than the subject site, dividing the site is not envisaged.

While it is recognised the Planning and Design Code's policies do not solely determine if a Restricted Development warrants planning consent, broader consideration must be given to the potential impact on primary production land throughout South Australia. If the site were to be divided as proposed, it could establish a precedent for further land division within primary production areas without due regard to the productive capacity of the land.

Pertinently, without any level of policy control or guidance to govern parcel sizes, such as a minimum site area TNV, existing primary production allotments could be divided indiscriminately and in perpetuity, thereby eroding primary production land across the state.

In this circumstance, it is considered that the proposal cannot reasonably attain a favourable assessment. As such, it is recommended that the Commission delegate decline to proceed with an assessment of the proposal.

#### **5. Matters if the Development Proceeds to Assessment**

If the Commission (through its delegate) proceeds to make an assessment, the relevant provisions of the Planning and Design Code (the Code) must be considered, but the Commission are not bound by those provisions (section 110(10) of the Act).

Though the purpose of this report is to determine whether to proceed with an assessment of the proposed development, the following overview of the key planning matters is provided should the SPC or delegate determine to proceed with an assessment:

- Assess if both divide allotments can support primary production use, noting the smaller allotment accommodates a scattering of development and established vegetation.
- A referral to the Native Vegetation Council may be needed if Lot 101 requires the removal of vegetation to accommodate primary production use.
- Will Lot 101 require and can it accommodate buffers to protect residential amenity from both allotments.
- Can Lot 102 be provided with suitable access noting Cannawigara Road's established vegetation cover.
- Are both allotments adequately serviced by infrastructure and water.

Restricted development must be publicly notified pursuant to Section 110 (2).

#### **6. Officers Recommendation**

The proposed development does not – to the extent that warrants proceeding to assessment - demonstrate a reasonable prospect in achieving a favourable assessment.

It is recommended that in respect of Development Application 26013925 the Commission, acting through its delegate, REFUSE to proceed with an assessment of the application and issue a refusal pursuant to Section 110 (14) of the *Planning, Development and Infrastructure Act 2016*.

#### **7. Reason for Refusal**

Pursuant to Section 110 (14) of the *Planning, Development and Infrastructure Act 2016*, to REFUSE TO PROCEED TO ASSESS Development Application 26013925 by Michael Weckert for the following reasons:

- (a) There is no reasonable prospect of a favourable assessment of the proposed development, as it does not meet the intent of the Rural Zone's Desired Outcome 1 and Performance Outcome 1.1, specifically:
  - (i) The proposed land division would not support, protect and maintain the economic prosperity of South Australia's primary production land.
- (b) The proposed land division does not meet the intent of the Limited Land Division Overlay's Desired Outcome 1 and Performance Outcome 1.1, specifically:
  - (i) The proposed land division will fragment land for primary production through the creation of an additional allotment.

### **Advisory Notes**

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If you are aggrieved by this decision, you have a right to seek a review of this decision by the State Planning Commission (the Commission). An application for review must be made in a manner and form determined by the Commission and must be made within one (1) month of this notice. The prescribed form is contained in Attachment 1 of [Practice Direction 4](https://plan.sa.gov.au/resources/planning/practice%20directions/practice%20direction%204%20restricted%20and%20impact%20assessed%20development%202019) [https://plan.sa.gov.au/resources/planning/practice directions/practice direction 4 restricted and impact assessed development 2019](https://plan.sa.gov.au/resources/planning/practice%20directions/practice%20direction%204%20restricted%20and%20impact%20assessed%20development%202019)

Further information can be found on the PlanSA website under the Decisions and Appeals Guide section.