



Government
of South Australia

Development Plan Consent Exemption Horticultural Netting

Information sheet

April 2018



PURPOSE

This information sheet provides guidance to councils, applicants and the community about the planning considerations relevant to commercial horticultural netting. It details when a horticultural netting structure is exempt from Development Plan Consent (Planning Consent) under the *Development Act 1993*.

FOR MORE INFORMATION

See Schedule 1A clause 17 of the *Development Regulations 2008*

<https://www.legislation.sa.gov.au/LZ/C/R/DEVELOPMENT%20REGULATIONS%202008.aspx>

SA Planning Commission
Tel: 1800 752 664

When is a development plan consent not required?

Horticultural netting consists of a permeable net attached to a structure (such as poles and cables). It does not include glass houses, igloos, shade cloth or plastic covers. When designed to protect trees or plants (e.g. apple, pear, cherry, blueberry, citrus, avocado, etc.) grown for the

purpose of **commercial horticulture**, the structure can be exempt from planning consent provided it meets the conditions listed below. Building Rules Consent and Development Approval under the *Development Act 1993* are still required in all cases.

Summary of exemption conditions

Not in a State or Local Heritage Place, a Hills Face Zone, a Historic Conservation Zone, or a Flood Management Zone

Intended purpose must be for commercial horticulture

Clear passage for fire trucks either within the netting structure (3.5m wide x 4m high) or outside (5m from all boundaries)

Nets are setback:

- 10m from dwellings if 4m high or less
- 15m from dwellings if more than 4m high
- 5m from road reserves

Auger or anchor points are not within a watercourse

Nets are:

- dark colour on the sides
- of non-reflective nature on the outside
- maximum 6m high
- not covering native vegetation

No part of the horticultural netting (auger, anchor points, nets) is:

- outside the property of the applicant
- built or encroach on areas required for sewerage system, waste control system or electricity infrastructure



Detailed conditions

Horticultural netting will be exempt from planning consent if all the following conditions are complied with:

Location

Horticultural netting is not in:

- a State or Local Heritage Place,
- a Hills Face Zone,
- a Historic Conservation Zone, or
- a Flood Management Zone.

Bushfire safety

Either:

- a minimum clearance height of 4m is kept over the access/fire tracks, and those tracks are a minimum 3.5m wide, clear of poles, cables and augers, **or**
- there is a 5m setback from all boundaries.

Neighbouring dwellings

The nets (not the anchor points, auger or guy lines) are setback:

- a minimum of 10m from the adjacent dwelling if the net is 4m high or lower,
- a minimum of 15m from the adjacent dwelling if the net is above 4m high.

Watercourses

The auger or anchor points are not located within a watercourse (a river, creek or other natural watercourse, whether modified or not, in which water is contained or flows whether permanently or from time to time).

To find out if the netting structure is considered a 'Water Affecting Activity', see available NRM guidance (online at <http://www.naturalresources.sa.gov.au> or at a NRM natural resource centre) to determine if a permit is required.

"Watercourses include a dam or reservoir that collects water flowing in a watercourse; a lake through which water flows; a channel into which the water of a watercourse has been diverted; part of a watercourse; an estuary through which water flows; any other natural resource designated as a watercourse by an NRM plan." (Natural Resources Management Act 2004)

Amenity

- Side nets are a dark colour (black, dark grey, green, brown and the like) and mostly see through from side roads or adjoining properties,
- The height of the netting is 6m or less,
- The netting (not the anchor points, auger or guy lines) is set a minimum of 5m back from road reserves,
- Any netting visible from the outside of the structure is of a low light-reflective nature (which is determined by its material, not its colour).

Native vegetation

No part of the netting canopy covers native vegetation.

Encroachment

- The auger or anchor points are entirely within the subject land,
- The horticultural netting is not built or encroach on areas required for sewerage system or waste control system,
- The building of the horticultural netting follows section 86 of the *Electricity Act 1996*.

Further information

Referrals

This exemption clarifies that, except for State Heritage Place, no referral via schedule 8 is required.

Noise

Noise from vibration of tension cables is covered by the *Local Nuisance and Litter Control Act 2016*. The responsibility lies with the owner to prevent, as far as is reasonably practicable, any noise impacts on neighbouring properties. Failure to do so may result in compliance action being undertaken by the local council under this Act. For further details, go to: http://www.epa.sa.gov.au/environmental_info/noise

Fees

Under this exemption, horticultural netting will be charged a set fee of \$430 + \$45 per hectare for the building rules consent, in addition to any other applicable fees under Schedule 6 of the *Development Regulations 2008*.