

DEVELOPMENT ACT 1993

YORKE PENINSULA COUNCIL

NOTICE OF APPLICATION FOR CATEGORY 3 DEVELOPMENT

Pursuant to Section 38(5) of the Development Act 1993

Notice is hereby given that an application comprising a CATEGORY 3 DEVELOPMENT has been lodged with the Council for a development assessment.

Details of the application are as follows :-

DEVELOPMENT No.	544/1086/2020
APPLICANT ADDRESS	Outhred English & Associates Pty Ltd PO Box 20 NORTH ADELAIDE SA 5006
NATURE OF THE DEVELOPMENT	Detached Dwelling, Garage & 3 Rain Water Tanks (Non – Complying)
SUBJECT LAND	. HD COONARIE 5575
CERTIFICATE OF TITLE	VOLUME 5384 FOLIO 889

The application may be examined at the Office of the Council located at Yorketown during normal business hours or on Council's Website and any person or body affected may make relevant representations in writing concerning this application to reach Authorised Officer at PO Box 57, MAITLAND SA 5573 or admin@yorke.sa.gov.au **not later than 9 June 2020.**

Each person making a submission should indicate whether that person wishes to appear personally or be represented by another party before the Council in support of that submission.

Please note that, pursuant to Section 38(8) of the Development Act, a copy of each representation received will be forwarded to the applicant for a written response.

Signed Jodie Terp
AUTHORISED OFFICER

Date 22 May 2020

THIS IS THE FIRST AND ONLY PUBLICATION OF THIS NOTICE

A CAMERON
CHIEF EXECUTIVE OFFICER

PRINCIPAL OFFICE:
8 Elizabeth Street, Maitland
Telephone (08) 8832 0000

ALL CORRESPONDENCE TO:
PO Box 57, MAITLAND, SA 5573
Fax (08) 8853 2494
Email: admin@yorke.sa.gov.au
Website: www.yorke.sa.gov.au



STATEMENT OF REPRESENTATION – CATEGORY 3 DEVELOPMENT

SF057
Responsible Officer: DO
Issue Date: 23/09/2019
Next Review Date: June 2022

Pursuant to Section 38 of the Development Act 1993

TO: Planning Officer – Yorketown
Yorke Peninsula Council
PO Box 57
MAITLAND SA 5573

DEVELOPMENT NO: 544 / 1086 / 2020

NAME OF PERSON(S)
MAKING REPRESENTATION:

POSTAL ADDRESS:

Email address:

Telephone :

NATURE OF INTEREST
AFFECTED BY DEVELOPMENT:
(eg adjoining resident, owner of land in
vicinity, or on behalf of an organisation
or company)

REASONS FOR
REPRESENTATION:

MY REPRESENTATION
WOULD BE OVERCOME BY:
(state action sought)

Please indicate in the appropriate box below whether or not you wish to be heard by the Council Assessment Panel in respect to this submission:-

I DO **NOT** WISH TO BE HEARD

I DESIRE TO BE HEARD PERSONALLY

I WILL BE REPRESENTED BY
(please specify)

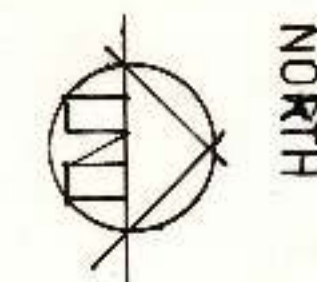
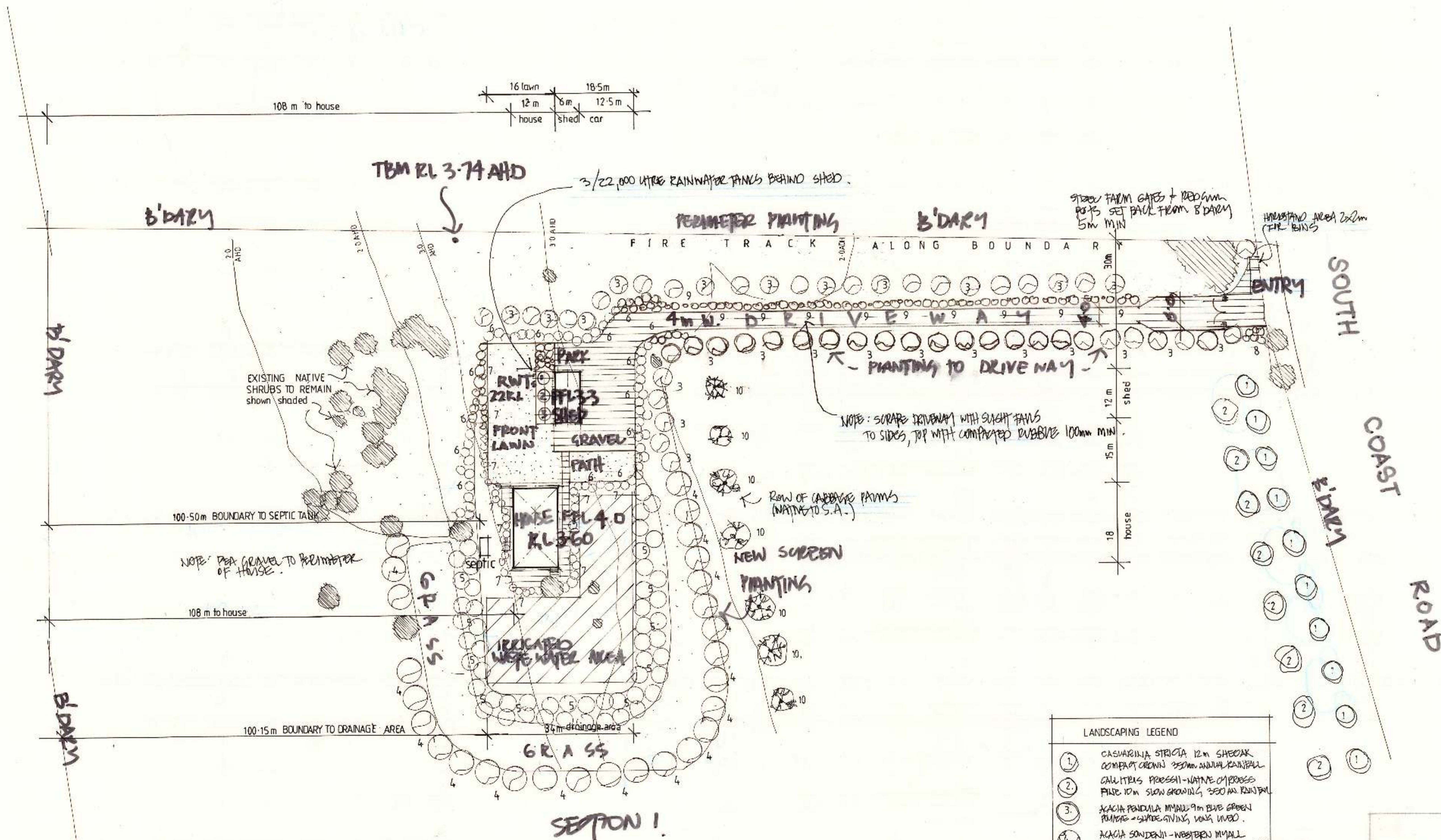
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

SIGNED: DATE:...../...../.....

BEACH

HIGH WATER MARK

SAND



PART SITE PLAN 1:500

SHED & DWELLING LOCATION & LANDSCAPING LAYOUT

LANDSCAPING LEGEND	
①	CASUARINA STRICTA 12m SHEOAK COMPACT CROWN 350mm ANNUAL RAINFALL
②	CALITRIS PROCESSION-NATIVE MYRTLE FINE 10m SLOW GROWING 350mm ANNUAL RAINFALL
③	ACACIA PENDULA MYALL 9m BLUE GREEN POURER - SHED GIVING 100% COVER
④	ACACIA SONNENI - WESTERN MYALL ROUND CROWN GREEN 8m H. 200mm ANNUAL RAINFALL
⑤	ACACIA SIEGNIANA GOLDEN WESTERN NATIVE 6m H. ROUND CROWN 100% COVER 100% COVER
⑥	EREMOPHILA MACULATA 1m BUSH NEAR FLOWERS
⑦	NATIVE PEARSONIUM AUSTRALIS 0.5m FINE FLOWERS NATIVE STEPPES FULL SUN
⑧	QUICKEN BUSH POUCCOPIPTA BRONNII COMPACT ROUND SHEDS IN GREY FLOWERS
⑨	KNOW-BY-CUB RUSH POUCCOPIPTA BRONNII BRIGHT GREEN 1m H. 100% COVER 100% COVER
⑩	UNISTONIA AUSTRALIS CARBON TREE 10m - CORRAL SLOW GROWING

GROUND COVERS - NATIVE ULLAC - HARDEN
BERGIA VOLUCCA BRIGHT PURPLE PEA FLOWERS
NUMBER 50mm SHEDS SHEDS 100% COVER
PLANT UNDER TREES IN DRIVEWAY
PLEASE NOTE: DO NOT USE PERCEPTUALS ON
NATIVE PLANTS SPREAD 100mm THICK MUGHA
AROUND ALL PLANTS

award winner '94, '95 & '96

elvio ferrara
building designer

52 prospect road
prosperity 5th dist.
t 8 344 2359
f 8 344 2438

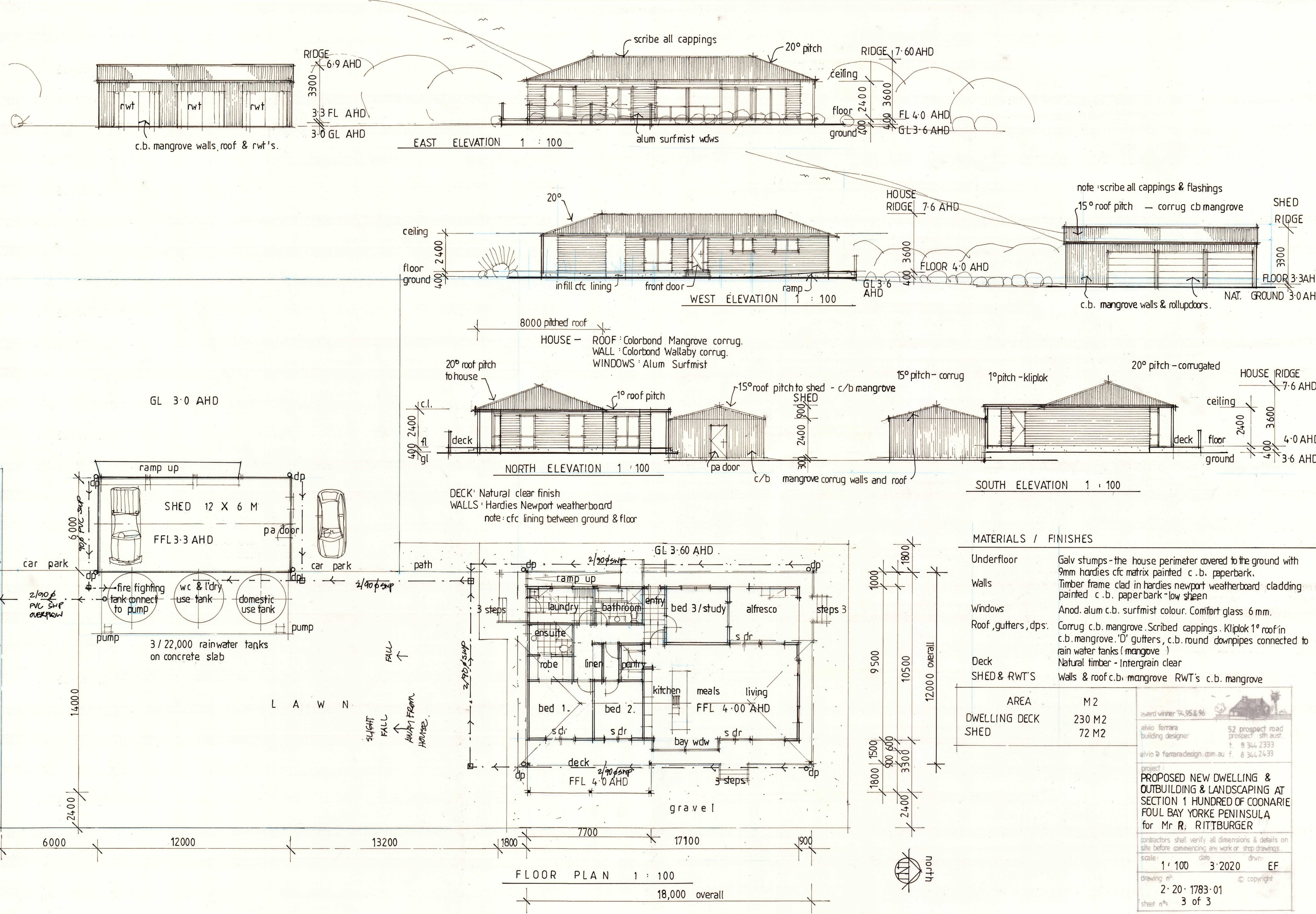
elvio@ferraraesign.com.au

project:
PROPOSED NEW DWELLING &
OUTBUILDING & LANDSCAPING
AT SECTION 1 HUNDRED OF
COONARIE FOUL BAY YORKE
PENINSULA for R. RITBERGER

contractors shall verify all dimensions & details on
site before commencing any work or shop drawings.

scale 1:500 date 3.2020 drawn EF

drawing # 2-20-1783-01
sheet # 1 of 3



MATERIALS / FINISHES	
Underfloor	Galv stumps - the house perimeter covered to the ground with 9mm hardies cfc matrix painted c.b. paperbark.
Walls	Timber frame clad in hardies newport weatherboard cladding painted c.b. paperbark - low sheen
Windows	Anod. alum c.b. surfmist colour. Comfort glass 6 mm.
Roof, gutters, dps:	Corrug c.b. mangrove. Scribed cappings. Kliplok 1° roof in c.b. mangrove. 'D' gutters, c.b. round downpipes connected to rain water tanks (mangrove)
Deck	Natural timber - Intergrain clear
SHED & RWT'S	Walls & roof c.b. mangrove RWT's c.b. mangrove

AREA	M2
DWELLING DECK	230 M2
SHED	72 M2

award winner '94, '95 & '96

elvio ferrara
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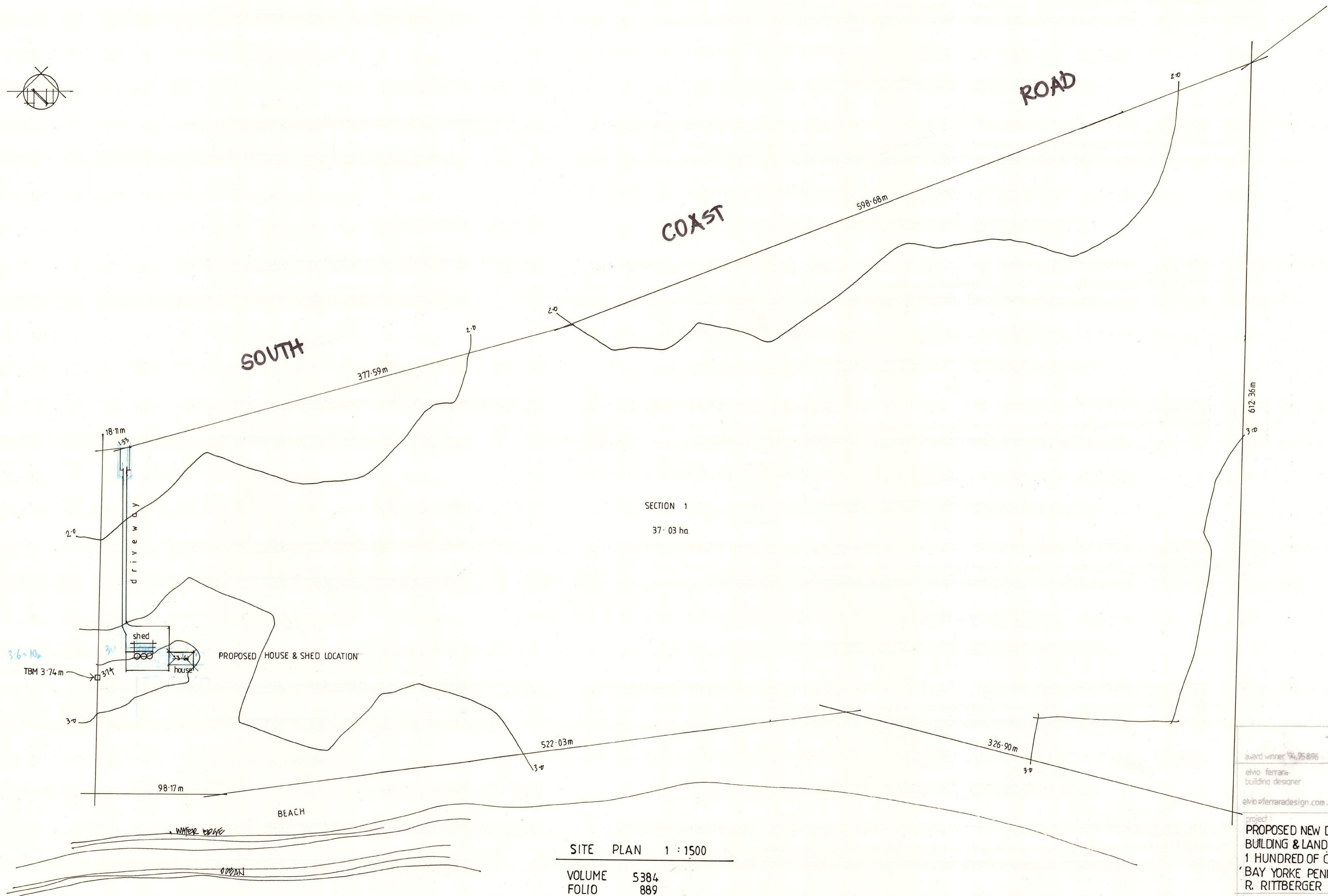
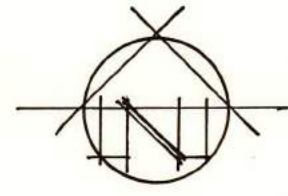
project:
PROPOSED NEW DWELLING & OUTBUILDING & LANDSCAPING AT SECTION 1 HUNDRED OF COONARIE FOUL BAY YORKE PENINSULA for Mr R. RITTBURGER

contractors shall verify all dimensions & details on site before commencing any work or shop drawings.

scale: 1:100 date: 3-2020 drawn: EF

drawing no: 2-20-1783-01 copyright

sheet no: 3 of 3

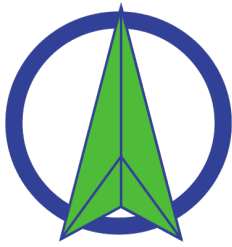


SECTION 1
37.03 ha

SITE PLAN 1:1500

VOLUME 5384
FOLIO 889
SECTION 1
HUNDRED OF COONARIE

award winner '94, '95 & '96		
elvio ferrara building designer		52 prospect road prospect vic 3088 t 8 344 2333 elvio@ferraradesign.com.au f 8 344 2433
project: PROPOSED NEW DWELLING & OUT BUILDING & LANDSCAPING AT SEC 1 HUNDRED OF COONARIE FOUL 'BAY YORKE PENINSULA for R. RITTBERGER		
contractors shall verify all dimensions & details on site before commencing any work or shop drawings.		
scale:	date:	drawn:
1:1500	3-2020	EF
drawing no:	2-20-1783-01 copyright	
sheet no:	2 of 3	



OUTHRED ENGLISH

Urban & Regional Planners ^z

STATEMENT OF EFFECT

Detached Dwelling and Associated Shed

Section 1, Hundred of Coonarie, South Coast Road, Foul Bay

DA Number 544/1086/2020

Raymond Rittberger

May 2020

Proposed Dwelling and Associated Shed – Section 1, Hundred of Coonarie, South Coast Road, Foul Bay

This statement has been prepared in accordance with *Regulation 17* of the *Development Regulations 2008* in support of the proposed dwelling and associated shed.

The subject land is located within the *Coastal Conservation Zone* and *Primary Production Zone* of the Yorke Peninsula Development Plan as delineated on *Zone Map YoP/16*, as consolidated on the 29 November 2018.

1. Subject Land

The subject land is Allotment 1 that is contained in Certificate of Title Volume 5384 Folio 889.

The subject site has a total area of 37.03 hectares. Details of the allotment is contained on the following table:

	Area	Frontage
Allotment 1	37.03 Ha	994.38m – South Coast Road 947.10m – Coastal Reserve

The subject land contains no structures. Access to the site is via a driveway from South Coast Road near the western boundary.

A portion of the land has been used for cropping in the past. However, no primary production has been undertaken on the land in the last 5 years. The greater portion of the land (about 23.5 hectares) is now covered in native vegetation.

Approximately 55% (20.3 Ha) of the land is within the *Primary Production Zone* and about 45% (16.7 Ha) is within the *Coastal Conservation Zone*.

Mr Rittberger holds the License to Occupy Number 21794 for the Crown land immediately adjacent Section 1. This land is part of Sections 119 & 154. The purpose of the license was originally for grazing. However, all of the Crown land is now is covered in native vegetation.

2. Background

The land was purchased by Raymond and Gail Rittberger in 1996, with the clear intention to eventually living on the property.

My clients purchased this property, when the yardstick for a dwelling (merit form of development) in the then *General Farming Zone*, was a land area of at least 36 hectares, and within the then *Coastal Zone* a detached dwelling was a merit form of development. My clients undertook all due diligence, before purchasing the land in 1996.

My clients assumed that the status quo would remain in respect to a dwelling on an allotment greater than 36 hectares being merit. They were living in Queensland for a number of years and received no notification of any change to the Development Plan that would compromise their long-term planning for a dwelling in their retirement.

At the time of purchasing the land, much of the land was used for cropping (Barley). Shortly after purchasing the property my client entered into an agreement with R. B. & A. D. E. Schmidt of "Oakleigh Park" Marion Bay to share farm the land for the growing of barley. The share farming arrangement continued until 2015 when the farmers considered it unviable to farm as one isolated small holding. I understand that up until 2015 the Schmidt's also had a share farm agreement with the adjacent land owner (Section 33).

The *Better Development Plan (BDP) and General DPA* was gazetted on 22 November 2012, and the subject land was included within the *Primary Production Zone* and *Coastal Conservation Zone*.

Vegetation Program

Following the cessation of share farming on the land, the owners entered into a land management agreement with the Department of Environment, Water and Natural Resources for the cooperative improvement of biodiversity. Note that this land management agreement is not an LMA pursuant to the Development Act 1993. Rather it is an agreement pursuant to the *Local Communities Restoring Critical Habitat and Landscape Linkages in the Southern Yorke Peninsula 2012-2016*.

The program of the land management agreement concentrated on the revegetation of the south-east portion of the land within the *Coastal Conservation Zone*.

The agreement was signed on 5th March 2015 and consisted of the following activities:

Site	Specific Activities	To be Completed by (dd/mm/yy)
Revegetate site SE	Approx. 10.5 ha revegetation leaving 5m access to the well and a 5m buffer around the Gahnia filum (Thatching Grass)	30/06/2015
Revegetate Northern Boundary	Revegetate a 5m strip along roadside boundary. Approx. 0.5ha	30/06/2015
Revegetate areas of drift	Revegetate areas of drift leaving vehicle access between any existing vegetation. Approx. 0.5ha	30/06/2015
Revegetation sites	One follow up weed spray	30/06/2015
Revegetation sites	Monitor rabbit and weed control	Yearly
Assistance with weed removal across property.	Treatment of Acacia Cyclops and Boxthorns on property. Up to 30 hours of cut and swab of Cyclops throughout and Boxthorns near thatching grass. Other boxthorn to be targeted during Grazian aerial program.	30/06/2015
Fencing of Eastern Boundary	285 metres of fencing to be installed.	30/06/2016

Ray Rittberger and wife have been preparing the land over the last 5 years for their eventual occupation, but clearly in combination with a focus of retaining and enhancing the native vegetation on the land in a sustainable way.

Permanent occupation of the land will enable the owners to more effectively manage, enhance and protect the land. In particular, this would include the following activities:

- Planting, caring and watering of trees
- Weed and pest control
- Fire protection and prevention
- Security
- Maintaining infrastructure – fences, sheds & equipment

Farming Unit

The share farming unit, up until 2014 involved about 32 hectares of the land. The revegetation program has reduced the potential area for cropping by about 11.5 hectares. In addition, the native vegetation has spread further into the previously cropped land. Thus, only about 13.5 hectares could now be used for primary production.

The 32 hectares was not viable as a farming unit. The remaining area of 13.5 hectares is certainly inadequate for a viable farming unit.

Potential Barley Yield

The average barley yield per hectare¹ on the Yorke Peninsula for the 2018/19 season was 2.7044T/Ha. The present grain price at Ardrossan is \$210.05/T². Thus, the gross return on a barley crop on 13.5 hectares would be \$7,669. Even in a bumper yield year, when the yield could be as high as 3.6T/Ha, the return would only be a little over \$10,000.

¹ Crop and Pasture Report South Australia 2018 – 19, Spring Crop Performance, Primary Industries and Regions SA

² AWB Daily Grain Prices website

This is clear evidence that Section 1 is not viable for farming in isolation.

3. The Proposal

Dwelling

Details of the proposed dwelling is as follows:

- Dimensions - 12m x -18m including decks
- Area – 230m² (living – 163.3m² & deck – 66.7m²)
- Consists of 3 bedrooms, living area, bathroom, ensuite/robe, laundry, alfresco and decks
- Wall cladding – Hardies Newport weatherboard, ‘paperbark’ low sheen
- Roof, gutters & downpipes – Colorbond ‘mangrove’
- Windows – Anod. Aluminium ‘surfmist’ colour / comfort glass 6mm
- Base infill – 9mm hardies cfc matrix painted ‘paperbark’

- Deck – Natural timber intergrain clear
- Wall height (above floor level) – 2.4m & Max roof height – 3.6m
- Finished Floor level – 4.0m AHD

The dwelling is to be located 108 metres north of the boundary with the coastal reserve and 57 metres from the western property boundary.

Shed

Details of the proposed shed are as follows:

- Dimensions – 6m x 12m
- Area -72m²
- Wall & roof cladding – colorbond ‘mangrove’
- Wall height – 3m & Max roof height – 3.6m
- Floor level – 3.3m AHD

The shed is to be located 120m north of the boundary with the coastal reserve and 30 metres from the western property boundary.

The existing access point adjacent the western property boundary will be retained. The driveway will be permeable with a top coating of compacted rubble (100mm min).

Three 22000L rainwater tanks will be installed to collect roof run-off from the dwelling and shed for re-use in the dwelling. The rainwater tanks will be painted ‘mangrove’, matching the shed.

A new septic system will be installed in accordance with Council’s Health requirements.

The proposal incorporates additional screen planting along South Coast Road, along the driveway and around the building envelope.

An existing fire access track along the western boundary, providing access to the coast, will be retained.

4. Locality of the Development

The subject land is situated between South Coast Road and the coast and between the towns of Yorketown (about 35 kilometers to the north-east) and Marion Bay (about 31 kilometers to the west). However, the closest township is Warooka (about 26 kilometers to the north-east) via South Coast Road and Sturt Bay Road.

Land in the locality is almost entirely used for either primary production activity or conservation. There are numerous scattered areas of stands of native vegetation, particularly along the coast.

5. Nature of the Development

The subject land is located within both the *Coastal Conservation Zone* and the *Primary Production Zone* of the Yorke Peninsula District Council Development Plan, as delineated on Zone Map YoP/16.

Included in the list of non-complying development in the *Primary Production Zone* is the following:

- 'Dwelling Except for a dwelling that satisfies one of the following:*
- (a) it is located on land held at Point Pearce for the Aboriginal Lands Trust....*
 - (b) it is in the form of workers accommodation*
 - (c) it is for the replacement of an existing freehold dwelling.'*

Included in the list of non-complying development in the *Coastal Conservation Zone* is the following:

- 'Dwelling Except where it achieves one of the following:*
- (a) it is used for the purposes of administering either or both of the:*
 - (i) National Parks and Wildlife Act 1972*
 - (ii) Wilderness Protection Act 1992*
 - (b) It will replace an existing dwelling located on a freehold Certificate of Title, provided it is not vulnerable to coastal hazards, and not exceed 4.5 metres in height above natural*

ground level (excluding any elevation necessary for hazard minimisation from sea level rise).

The dwelling proposed on the subject, does not satisfy the exceptions in either zone. Therefore, the application is a non-complying form of development.

6. Planning Provisions

The subject areas covered by the provisions of the *Yorke Peninsula District Council Development Plan* of particular relevance to the proposed dwelling and ancillary shed are as follows:

Coastal Conservation Zone:

- *Objectives 1, 3 & 4*
- *Desired Character*
- *Principles of Development Control 1 – 4, 7 – 10 & 12*

Primary Production Zone:

- *Objectives 1 – 4 & 6*
- *Desired Character*
- *Principles of Development Control 1, 2, 5, 9, 10 & 12*

General Section:

- *Coastal Areas*
- *Design and Appearance*
- *Energy Efficiency*
- *Hazards*
- *Infrastructure*
- *Interface between Land Uses*
- *Landscaping, Fences and Walls*
- *Natural Resources*

- *Orderly and Sustainable Development*
- *Residential Development*
- *Siting and Visibility*
- *Tourism Development*
- *Transportation & Access*
- *Waste*

Tables & Maps

- *Table YoP/1 – Coastal Areas: Site/Building Floor Levels*
- *Table YoP/2 – Building Setbacks from Road Boundaries*
- *Table YoP/3 – Off Street Vehicle Parking Requirements*
- *Table YoP/4 – Design Guidelines for Coastal Dwellings*
- *Location Map YoP/16*
- *Zone Map YoP/16*
- *BPA Map YoP/25 – Bushfire Protection Area*

6.1 Coastal Conservation Zone

Form and Character

Objective 1: *To enhance and conserve the natural features of the coast including visual amenity, landforms, fauna and flora.*

PDC 9: *Development should be designed and sited to be compatible with conservation and enhancement of the coastal environment and scenic beauty of the zone.*

PDC 10: *Development should: (a) not adversely impact on the ability to maintain the coastal frontage in a stable and natural condition (b) minimise vehicle access points to the area that is the subject of the development (c) be landscaped with locally indigenous plant species to enhance the amenity of the area and to screen buildings from public view (d) utilise external low reflective materials and finishes that will minimise glare and blend in with the features of the landscape.*

The majority of the subject land within the *Coastal Conservation Zone* is now re-vegetated with native vegetation. The revegetation program that commenced in

2015, not only covers the original 10.5 hectares specifically targeted, but has spread beyond.

Albeit that a dwelling is not contemplated in the *Coastal Conservation Zone*, permanent occupation by the owner of the land, will provide a level of protection and maintenance that cannot be guaranteed otherwise. While my client has made many visits to the property over the last 5 years to contribute to the revegetation program, living remotely in Adelaide, does not enable immediate attention to maintenance and protection requirements as they arise.

The proposed dwelling and ancillary structures are setback from the foreshore, behind the native vegetation, ensuring a contribution to the enhancement and conservation of the natural features of the coast including the visual amenity, landforms, fauna and flora. In respect to *PDC 9*, the development is low scale with the use of materials and colours that are compatible with the coastal environment and scenic beauty of the zone.

In respect to *PDC 10*, I would make the following observations:

- In regard to (a), the development is setback behind the coastal foreshore and area of native vegetation
- In regard to (b), the development is served by the one existing access point to South Coast Road. This access point also serves the existing fire access track to the coast along the western boundary
- In regard to (c), extensive landscaping with native species is proposed around the dwelling and ancillary structures and along the driveway
- In regard to (d), external materials of structures incorporate low reflective materials with colours that blend with the environment

Land Use

Objective 3: *Limited agricultural activity undertaken in such a manner so as to protect existing native vegetation and sensitive areas such as sand dunes and cliff tops.*

PDC 1: *The following forms of development are envisaged in the zone: ▪ conservation work ▪ interpretive signage and facility ▪ small scale tourism/visitor facility (excluding accommodation).*

PDC 2: *Development listed as non-complying is generally inappropriate.*

PDC 3: *Residential development should be limited to the upgrading or replacement of existing detached dwellings where they are not vulnerable to coastal hazards and are compatible with the natural features of the locality.*

PDC 4: *Buildings and structures should mainly be for essential purposes, such as shelters and toilet facilities associated with public recreation, navigation purposes or necessary minor public works.*

The previous use (5 years ago) of portion of the land within the zone incorporated cropping. The present status of the land involves revegetation replacing cropping over much of the land within the *Coastal Conservation Zone*.

In respect to *Objective 3*, agricultural use has ceased ensuring protection of the sensitive coastal environment.

Albeit that the proposed use is not among the uses envisaged in *PDC 1* and is listed as non-complying, it is a low impact use that is specifically designed to be complimentary to the protection and maintenance of the coastal environment.

Desired Character

Objective 4: *Development that contributes to the desired character of the zone.*

Desired Character:

The coastal areas either side of Yorke Peninsula fall into three distinct environments, comprising, along the east coast mangrove swamps, then clay and limestone cliffs rising steeply above narrow sand or shingle beaches. The west coast consists of broad, gently sloping beaches backed by a sand dune system of well vegetated parallel dunes between 3 and 10 metres high.

The coastal margins of the council area are an important and integral component of the ecosystem, providing a buffer between the active coastal process and the more stable terrestrial environment beyond. Moreover, because of the level of human intervention in clearing land for agriculture, the coastal areas, particularly the west coast dunes, remain in a largely natural state and provide an important source of habitat and plant diversity.

The zone is intended to promote the preservation and conservation of natural coastal features and Commercial and recreational fishing, farming and aquaculture opportunities where such uses are compatible with the natural features of the locality.

The coastal areas are sensitive to human activity and are subject to the impacts from sea level rise and coastal erosion. As such, the zone requires careful and strict management practices.

Agricultural use within the zone will be limited to free range grazing and cropping, aquaculture and water desalination plants accommodated in existing cleared areas.

Cliff tops and sand dunes will be excluded from agricultural activities and other development.

The siting of buildings associated with farming pursuits will be limited to existing cleared areas

and the replanting of native vegetation common to the area will be a requirement of any development.

PDC 7: Development should not be undertaken unless it is consistent with the desired character of the zone.

The proposal is substantially consistent with the *Desired Character* of the *Coastal Conservation Zone*. In particular, I would make the following observations:

- The development lies behind an existing coastal environment incorporating a sand beach with low dunes covered in native vegetation
- Agricultural activity is now withdrawn (5 years) from any portion of the subject land within the *Coastal Conservation Zone*, and replaced with the re-vegetation of native vegetation
- The occupation of the land by the owners will provide a more concentrated and effective opportunity to manage, enhance and protect the vegetation
- The placement of the structures on the land are setback at least 100 metres from the boundary with the coastal reserve, ensuring protection from coastal erosion and sea level rise
- The setback distance of the dwelling from the coast, is sufficient to ensure the maintenance of the coastal frontage in a stable and natural condition
- The improved maintenance and protection opportunity resulting from permanent occupation, by the owners of the land, addresses various elements of the *Desired Character*
- The dwelling has been located and designed, such that it is compatible with the natural features of the locality and is not vulnerable to coastal hazards
- The development has been designed having regard to Table YoP/4 – Design Guidelines for Coastal Dwellings
- A single access point is proposed with a driveway over land already cleared and to be constructed with a permeable surface
- The proposed buildings utilise external low reflective materials and finishes
- Albeit that the buildings are not associated with farming pursuits, the buildings are located on a portion of the subject land that is clear of vegetation and additional native vegetation planting is incorporated in association with the development
- The additional local indigenous plant species is proposed around the building envelope, along the driveway and South Coast Road

Design Guidelines

PDC 8: Development should have regard to the design guidelines contained in Table YoP/4 - Design Guidelines for Coastal Dwellings.

PDC 12: Car parking and access points to development should, wherever practicable, be: (a) constructed of a permeable surface (b) located on cleared land or along property boundaries to avoid the unnecessary removal of native vegetation.

The proposed dwelling and shed substantially satisfies the various criteria contained in Table YoP/4 – Design Guidelines for Coastal Dwellings. Refer to 6.4 for a detailed response to the design guidelines contained in Table YoP/4.

In regard to PDC 12, the driveways, car parking and vehicle manoeuvring areas are to be constructed with a permeable surface and on land clear of vegetation.

6.2 Primary Production Zone

Objective 1: The long term continuation of primary production.

Objective 2: Economically productive, efficient and environmentally sustainable primary production.

Objective 3: Allotments of a size and configuration that promote the efficient use of land for primary production.

Objective 4: Protection of primary production from encroachment by incompatible land uses and protection of scenic qualities of rural landscapes.

Objective 6: Development that contributes to the desired character of the zone.

Desired Character:

This zone comprises the bulk of the Council area and is used principally for agricultural production and the grazing of stock on relatively large holdings.

The climate, soil and landform characteristics of this zone favour the continuance of agricultural production and livestock grazing and it is desirable not only that these activities continue, but also that good land management techniques be encouraged to control proclaimed pest plants, vermin, and soil erosion.

Little intensification of the present extent of settlement will occur. In many ways, a proliferation of intensive development and occupation of the zone would threaten its proper function and render the rural landscape susceptible to competing demands and undesirable change.

Wind Farms.....

This, coupled.....

To maintain the agricultural importance and stability of the zone, it is vital that existing small holdings are not converted to rural living use and the size of land holdings is not significantly reduced, unless specifically required for the more intensive agricultural use of the land and that future pressures for development in the zone will not result in the conversion of agricultural land to less productive uses or land use conflict.

It may be expected that some development such as host farms or mining will occur from time to time in rural areas. Development of this nature is acceptable within the zone where located and developed appropriately.

Productive agricultural land will not be converted for use for carbon credit forestry.

PDC 9: *Development should not be undertaken unless it is consistent with the desired character for the zone.*

Albeit that the proposed dwelling, ancillary shed and rainwater tanks are not located within the *Primary Production Zone*, the provisions of the *Primary Production Zone* are relevant, in view of portion of the land being within the zone.

The intent of the *Primary Production Zone* is for economically productive, efficient and environmentally sustainable primary production.

Objective 3 particularly refers to allotments being of a size that would promote the efficient use of land for primary production. This is supported in the *Desired Character*. Large allotments facilitate viable land holdings for primary production. The subject land is 37.03 hectares, not large enough for viable primary production. The land contains areas of native vegetation, that further reduces the amount of land available for primary production. While the land is presently not under crop, there is only about 13.5 Ha that could be cropped.

The revegetation program that commenced in 2015 has resulted in almost all the land within the *Coastal Conservation Zone* being covered in native vegetation. In addition, about a third of the land within the *Primary Production Zone* is now covered in native vegetation. The proposed dwelling and ancillary structures are located within the *Coastal Conservation Zone* with the only incursion into the *Primary Production Zone* being the driveway access and additional screen planting. Thus, the proposal will not make no difference to the amount of land used for primary production.

Land Use

PDC 1: The following forms of development are envisaged in the zone: ▪ bulk handling and storage facility ▪ commercial forestry ▪ dairy farming ▪ farming ▪ horticulture ▪ intensive animal keeping ▪ tourist accommodation (including through the diversification of existing farming activities and conversion of farm buildings) ▪ wind farm and ancillary development ▪ wind monitoring mast and ancillary development.

PDC 2: Development listed as non-complying is generally inappropriate.

PDC 5: A dwelling should only be developed if: (a) there is a demonstrated connection with farming or other primary production (b) the location of the dwelling will not inhibit the continuation of farming, other primary production or other development that is in keeping with the provisions of the zone (c) it is located more than 500 metres from an existing intensive animal keeping operation, or other noise or odour generating activity, unless used in association with that activity (d) it does not result in more than one dwelling per allotment.

Albeit that a dwelling is not listed in *PDC 1* as an envisaged form of development in the *Primary Production Zone*, *PDC 5* provides circumstances where a dwelling could be appropriate. The initial circumstance contained in *PDC 5(a)*, is a connection with farming. That is not the case with the subject proposal as there is now no primary production activity undertaken on the land. The primary use of the land could be described as ‘conservation’, considering that native vegetation cover is now about 60% of the land.

In consideration of the fact that the dwelling is located external to the *Primary Production Zone* within the *Coastal Conservation Zone*, and the limited amount of land that could be used for farming, I would suggest that the importance of a demonstrated connection with farming is diminished in the subject circumstances.

The relevance of *PDC 5(b)* is limited in view of the only portion of the land within the *Primary Production Zone* associated with the dwelling is the driveway.

The development satisfies the criteria contained in *PDC 5(c) & (d)*.

Form and Character

PDC 10: Development should not occur within 500 metres of a National Park, Conservation Park, Wilderness Protection Area or significant stands of native vegetation if it will increase the potential for, or result in, the spread of pest plants.

PDC 12: Buildings should primarily be limited to farm buildings, a detached dwelling associated with primary production on the allotment and residential outbuildings that are: (a) grouped together on the allotment and set back from allotment boundaries to minimise the visual impact of buildings on the landscape as viewed from public roads (b) screened from public roads and adjacent land by existing vegetation or landscaped buffers.

The proposed dwelling, shed and rainwater tanks are not located within 500 metres of a National Park, Conservation Park or Wilderness Protection Area. While the dwelling and ancillary structures are on cleared land, areas of native vegetation are located on the subject land, adjacent Crown land and the adjacent allotment to the east. The native vegetation on the adjacent allotment to the east and adjacent Crown land to that allotment could be described as significant stands of native vegetation. However, this significant stand of vegetation is greater than 500 metres distant from the development site. In addition, the occupation of the land by the owners will promote preservation and maintenance of the native vegetation on the land and adjacent Crown land.

The relevance of *PDC 12* in respect to buildings being primarily associated with primary production, is limited considering the detached dwelling being located within the *Coastal Settlement Zone* and the lack of viable primary production being possible on the small area not used for conservation purposes. However, the proposed structures are grouped together, setback from property boundaries and screened by proposed landscape buffers.

6.3 Table YoP/1 – Coastal Areas: Site/Building Floor Levels

Table YoP/1 – Coastal Areas: Site/Building Floor Levels

<i>Location of development</i>	<i>Minimum site level (metres Australian Height Datum)</i>	<i>Minimum building floor level (metres Australian Height Datum)</i>
<i>Foul Bay</i>	2.9	3.15

The minimum finished floor level of the dwelling is at 4.0m AHD and the garage is 3.3m AHD. Further, the minimum site level is 3.0m AHD consistent with *Table YoP/1*.

6.4 Table YoP/4 – Design Guidelines for Coastal Dwellings

The proposal is in accord with the majority of guidelines specified in *Table YoP/4: Design Guidelines for Coastal Dwellings*: A summary of the relevant portions of the design guidelines is as follows:

1. Siting

1.1 Dwellings should be sited in unobtrusive locations, have a low profile and complement the natural contours of the land.

The proposed dwelling is located behind the coastal reserve on a site with little slope. The dwelling has been designed to reduce its profile on near to natural contours ensuring an unobtrusive appearance.

2. Site layout

2.1 Not more than one dwelling should be erected on an allotment.

2.2 The number of ancillary buildings should be limited to: (a) 1 garage, shed or carport (b) rainwater tank(s) and tank stand(s).

2.8 Dwellings having a frontage to both the foreshore and a public road or common driveway should achieve presentation to both frontages. The use of verandas, decks and other similar treatments are encouraged.

2.9 Buildings should generally be square to the allotment and aligned with allotment boundaries.

2.10 Vehicular access to garages and sheds that are located between a dwelling and a public road or common driveway should be side entry from within the site to enable the establishment of landscaping between the building and the adjacent public road.

The proposed development will only consist of one dwelling on the subject land. The only ancillary structures will be a shed and rainwater tanks. The proposal is entirely consistent with *Guidelines 2.1 & 2.2*.

In respect to *Guideline 2.8*, the dwelling is located between the foreshore a public road. Albeit that there is a considerable distance between the dwelling and both the foreshore and South Coast Road, the dwelling has been designed to address both frontages with the use of verandahs and decks.

The building footprint of the proposed dwelling and shed is relatively square to boundaries. The building is parallel with the foreshore, eastern and western

boundaries, but is slightly skewed to the road boundary.

Albeit that the driveway access to the shed is not side entry, the distance between the shed and South Coast Road provides an opportunity to incorporate extensive vegetation screening.

3. Site coverage

3.1 Dwellings (exclusive of verandas, garages and carports) should not cover more than 35 per cent of the site upon which they are located.

3.2 Domestic outbuildings, including carports, verandas and garages should not cover more than 15 per cent of the site.

Site coverage is of limited relevance considering the land area of the subject land. The area of all structures is less than 1% of the site. Thus, the proposal is entirely consistent with *Guidelines 3.1 & 3.2*.

4. Height, scale and design

4.1 Buildings and structures should be of simple, single storey, low hipped roof construction.

4.2 Buildings should not generally exceed 4.5 metres in height above any elevation necessary for hazard risk minimisation from sea level rise.

4.3 The bulk and scale of buildings should be minimised through articulated floor plan layouts and roof forms.

4.4 Building styles which should be avoided include A-Frame, Federation, Cape Cod, Quaker and American Barn. These dwellings exhibit a suburban character which is not consistent with a coastal setting.

The proposed dwelling is a modern design typical of many coastal homes on the Yorke peninsula. The dwelling incorporates design elements consistent with *Guideline 4*, and in particular includes:

- Low profile hip roof/s;
- A deck on three sides connecting with the internal floor plan;
- A maximum height less than 4.5 metres; and
- Articulation along walls, in the form of variations in height, use of materials and window & door openings.

The proposal is substantially consistent with *Guidelines 4.1 – 4.4*.

5. Roofs

5.1 Roofs should be of simple, hip construction with a pitch of not less than 15 degrees or no greater than 25 degrees. Small span roofs should have a steeper pitch and large span roofs having a lesser pitch.

5.2 Roof spans should be no greater than 8 metres.

5.3 Roof styles which should be avoided include skillion or flat, hipped gable, louvre roof, Dutch gable and Mansard or Cape Cod.

The roof style of the development is hip construction having a pitch of only 20°. The main roof span is 8m, with a lean-to section to the north. The design of the roof is in response to achieving a low profile and a suitable pitch for solar panels.

7. Verandas and decks

7.1 New buildings along the beach frontage should incorporate verandas or pergolas facing the beach.

7.2 Decks, verandas or pergolas should be simple lightweight structures of steel or timber framing.

7.4 Verandahs should remain as outdoor spaces and should not be enclosed or glassed in.

7.5 Where balustrades, railings or wind protection are needed, open railings or lattice should be used.

The proposed development is consistent with the relevant guidelines, in that:

- It has a deck and verandah facing the coastal reserve;
- It has a deck built into the floor plan and is a lightweight structure; and
- The balustrade to the deck uses open railings.

9. Access and vehicle parking

9.1 Dwellings should be provided with a minimum of one undercover parking space and one visitor parking space.

9.2 Driveways should be informal and constructed of permeable material.

The development provides up to three undercover parking spaces with adequate space for additional vehicles on hard standing areas adjacent the shed, satisfying *Guideline 9.1*. The driveway will be constructed of a permeable material consistent with *Guideline 9.2*.

10. Colours

10.1 Buildings and structures should be of soft, muted tones which blend with the natural landscape.

11. Roof and wall materials

11.1 Buildings and structures should generally be of lightweight construction to maintain a coastal, seaside character. Preferred materials include corrugated galvanised iron (unpainted), corrugated pre-coated/painted steel and weatherboards of not more than 200 millimetres in width.

11.2 Construction materials should be suitable for harsh, coastal environments.

11.3 Highly reflective materials such as Zinalume should not be used.

12. Windows and doors

12.1 Windows and doors, including garage doors should be of simple design and complement the form and materials of the building to which they are associated.

12.2 Reflective glass and films should not be used.

13. Architectural detailing

13.1 Detailing should be simple.

The proposed dwelling is a modern lightweight design reflecting simple architectural detailing. External colours will complement a coastal environment in accord with *Guideline 10.1*. Construction materials are lightweight, including colourbond roof and newport weatherboard wall cladding. None of the materials used are highly reflective and Zinalume is avoided. The proposal is substantially consistent with *Guidelines 10.1, 11.1, 11.2, 11.3, 12.1, 12.2 & 13.1*.

14. Outbuildings

14.1 Outbuildings should be substantially smaller in plan, form, height and scale than its associated dwelling.

14.2 Individual outbuildings should not exceed 40 square metres in area.

14.3 Outbuildings should not exceed 6 metres in length and should have a maximum wall height of not more than 3 metres.

14.4 Outbuildings should not be established on an allotment where there is no dwelling constructed or having Development Approval.

Guidelines 14.1 – 14.3 are aimed at coastal settlement areas, where allotment sizes are small. In the context of the subject allotment and locality, the constrained parameters of size, height and scale, is not appropriate. The size of the subject land and the size of farm outbuildings in a rural environment, would suggest more generous parameters are appropriate.

In respect to *Guideline 14.1*, the shed is substantially smaller than the dwelling (about 31% of dwelling), albeit that that area and length are greater than that contained in *Guidelines 14.2* and *14.3*. However, a shed with an area of 72m²; length of 6m x 12m; and maximum height of 3.3m, is entirely appropriate on a site exceeding 37 hectares.

In respect to *Guideline 14.4*, the shed will be ancillary to the proposed dwelling.

15. Rainwater tanks

15.1 Rainwater tanks should be located as follows: (a) wholly contained within the agreed building or development envelope of an executed Land Management Agreement (b) setback behind the agreed development line of an executed Land Management Agreement (c) located as close as practical to existing or proposed buildings where no such Land Management Agreement exists.

No Land Management Agreement or development envelope applies to the subject land. Therefore, (c) is relevant. The rainwater tanks are located close to the rear of the garage, in accord with *Guideline 15.1*.

16. Stormwater disposal

16.1 Residential development should include, where practicable, on-site stormwater retention and re-use or detention systems to reduce stormwater discharge off-site.

16.2 Stormwater from downpipes and tank overflows should be directed away from buildings in a manner that does not result in any erosion of natural dune or sandy areas.

16.3 Stormwater disposal should minimise the potential for site erosion and water pollution both during and after construction.

The proposed development incorporates three 22000L rainwater tanks located adjacent the shed. The rainwater tanks will collect roof stormwater and reticulate water to the dwelling. In addition, any occasional overflow of stormwater is directed from buildings in accord with *Guideline 16.2 & 16.3*.

19. Energy efficiency

19.1 Dwellings should be designed and orientated to maximise energy efficiency.

The proposed dwelling has been designed to achieve energy efficiency, including north facing roof slopes to accommodate solar panels. It is proposed to install battery sets to provide the opportunity to store power to enable self-sufficient power generation on the site.

20. Vegetation

20.1 Development should be located to minimize the removal of existing mature vegetation, and in particular, areas of remaining native vegetation.

20.2 Sites should be landscaped with a full range of local native species, from groundcovers to large shrubs and trees.

20.3 Landscaping should have regard to bushfire management and prevention.

20.4 Appropriate landscaping should be provided for dune stabilization and to minimize erosion from stormwater runoff.

Existing mature native vegetation and revegetated areas on the land will be maintained and protected.

The proposal includes the planting of a range of native species to create a landscaping buffer around the dwelling/shed site, with additional plantings along the driveway and South Coast Road.

The siting of landscaping is responsive to bushfire management and prevention.

The revegetation program over the last 5 years has contributed to the stabilization of dunes and the protection from erosion.

6.5 General Section – Coastal Areas

Environmental Protection

Objective 1: *The protection and enhancement of the natural coastal environment, including environmentally important features of coastal areas such as mangroves, wetlands, sand dunes, cliff-tops, native vegetation, wildlife habitat shore and estuarine areas.*

Objective 2: *Protection of the physical and economic resources of the coast from inappropriate development.*

Objective 3: *Preservation of areas of high landscape and amenity value including stands of vegetation, shores, exposed cliffs, headlands, islands and hill tops, and areas which form an attractive background to urban and tourist areas.*

PDC 2: *The coast should be protected from development that would adversely affect the marine and onshore coastal environment, whether by pollution, erosion, damage or depletion of physical or biological resources, interference with natural coastal processes or any other means.*

PDC 3: *Development should not be located in delicate or environmentally-sensitive coastal features such as sand dunes, cliff-tops, wetlands or substantially intact strata of native vegetation.*

PDC 4: *Development should not be undertaken where it will create or aggravate coastal erosion, or where it will require coast protection works which cause or aggravate coastal erosion.*

PDC 5: *Development should be designed so that solid/fluid wastes and stormwater runoff is disposed of in a manner that will not cause pollution or other detrimental impacts on the marine and on-shore environment of coastal areas.*

PDC 6: *Effluent disposal systems incorporating soakage trenches or similar should prevent effluent migration onto the inter-tidal zone and be sited at least 100 metres from whichever of the following requires the greater distance: (a) the mean high-water mark at spring tide, adjusted for any subsidence for the first 50 years of development plus a sea level rise of 1 metre (b) the nearest boundary of any erosion buffer determined in accordance with the relevant provisions in this Development Plan.*

PDC 8: *Development should be designed and sited so that it does not prevent natural landform and ecological adjustment to changing climatic conditions and sea levels and should allow for the following: (a) the unrestricted landward migration of coastal wetlands (b) new areas to be colonised by mangroves, samphire and wetland species (c) sand dune drift (d) where appropriate, the removal of embankments that interfere with the abovementioned processes.*

The development site is located a considerable distance (about 108 metres) back from the coastal reserve and at a height (floor level) of 4.0 metres AHD. The

dwelling site is in an environmentally acceptable area considering its isolation from coastal processes and the management of stormwater and wastewater.

The considerable setback distance from the foreshore will ensure that there is no negative impact on the natural coastal environment. It will not reduce the environmental value of the site or adversely affect the character, visual value, views and amenity of the area.

The proposed development will not cause coastal erosion, impact upon sand dunes, wetlands or remnant native vegetation and is protected from coastal hazards.

Maintenance of Public Access

Objective 4: Development that maintains and/or enhances public access to coastal areas with minimal impact on the environment and amenity.

PDC 9: Development should maintain or enhance public access to and along the foreshore.

PDC 10: Development should provide for a public thoroughfare between the development and any coastal reserve.

PDC 11: Other than small-scale infill development in a predominantly urban zone, development adjacent to the coast should not be undertaken unless it incorporates an existing or proposed public reserve, not including a road or erosion buffer, of at least 50 metres width between the development and the landward toe of the frontal dune or the top edge of an escarpment.

PDC 12: If an existing reserve is less than 50 metres wide, the development should incorporate an appropriate width of reserve to achieve a total 50 metres wide reserve.

PDC 13: Except where otherwise specified in a particular zone or policy area, buildings on land abutting coastal reserves should be set back either a distance of 8 metres from any boundary with the reserve or in line with adjacent development, whichever is the greater distance.

PDC 14: Development that abuts or includes a coastal reserve should be sited and designed to be compatible with the purpose, management and amenity of the reserve, as well as to prevent inappropriate access to the reserve.

In respect to public access, the proposed development will make no difference to existing access available to the coast. There is presently no direct legal public access from South Coast Road to the coastal reserve in the immediate vicinity of the subject land. However, Wild Hill Dog Road connects South Coast Road with the coastal reserve about 1.2 kilometres to the east and the coastal reserve abuts South Coast Road about 1.5 kilometres to the west. However, the existing fire

access track along the western boundary will be retained, to give vehicle access to the coastal reserve by the CFS.

Hazard Risk Minimisation

Objective 5: Development only undertaken on land which is not subject to or that can be protected from coastal hazards including inundation by storm tides or combined storm tides and stormwater, coastal erosion or sand drift, and probable sea level rise.

Objective 6: Development that can accommodate anticipated changes in sea level due to natural subsidence and probable climate change during the first 100 years of the development.

PDC 19: Development and its site should be protected against the standard sea-flood risk level which is defined as the 1-in-100 year average return interval flood extreme sea level (tide, stormwater and associated wave effects combined), plus an allowance to accommodate land subsidence until the year 2100.

PDC 20: Development including associated roads and parking areas, other than minor structures unlikely to be adversely affected by flooding, should be protected from sea level rise by ensuring all of the following apply: (a) site and building floor levels are in accordance with those outlined in Table YoP/1 - Coastal Areas: Site/Building Floor Levels (b) there are practical measures available to protect the development against an additional sea level rise of 0.7 metres, plus an allowance to accommodate land subsidence until the year 2100 at the site.

PDC 22: Development that requires protection measures against coastal erosion, sea or stormwater flooding, sand drift or the management of other coastal processes at the time of development, or in the future, should only be undertaken if all of the following apply: (a) the measures themselves will not have an adverse effect on coastal ecology, processes, conservation, public access and amenity (b) the measures do not nor will not require community resources, including land, to be committed (c) the risk of failure of measures such as sand management, levee banks, flood gates, valves or stormwater pumping, is acceptable relative to the potential hazard resulting from their failure (d) binding agreements are in place to cover future construction, operation, maintenance and management of the protection measures.

Table YoP/1 – Coastal Areas: Site/Building Floor Levels

In regard to hazard risk minimisation, the site and building floor levels of the dwelling satisfy Table YoP/1 – Coastal Areas: Site/Building Floor Levels.

Roof and ground stormwater are adequately managed and redirected away from the coastal reserve. The floor level of living areas of the dwelling will be at 4.0m AHD. This is above the 3.15m AHD minimum floor level required for development at Foul Bay.

Erosion Buffers

Objective 7: Development which will not require, now or in the future, public expenditure on protection of the development or the environment.

Objective 8: Management of development in coastal areas to sustain or enhance the remaining natural coastal environment.

PDC 24: Development should be set back a sufficient distance from the coast to provide an erosion buffer (in addition to a public reserve) which will allow for at least 100 years of coastal retreat for single buildings or small scale developments, or 200 years of coastal retreat for large scale developments (ie new townships) unless either of the following applies: (a) the development incorporates appropriate private coastal protection measures to protect the development and public reserve from the anticipated erosion (b) the council is committed to protecting the public reserve and development from the anticipated coastal erosion.

PDC 25: Where a coastal reserve exists or is to be provided it should be increased in width by the amount of any required erosion buffer. The width of an erosion buffer should be based on the following: (a) the susceptibility of the coast to erosion (b) local coastal processes (c) the effect of severe storm events (d) the effect of a 0.3 metres sea level rise over the next 50 years on coastal processes and storms (e) the availability of practical measures to protect the development from erosion caused by a further sea level rise of 0.7 metres per 50 years thereafter.

PDC 26: Development should not occur where essential services cannot be economically provided and maintained having regard to flood risk and sea level rise, or where emergency vehicle access would be prevented by a 1-in-100 year average return interval flood event, adjusted for 100 years of sea level rise.

The development is set-back a sufficient distance from the coast to provide an erosion buffer that allows for at least 100 years of coastal retreat. The coastal reserves containing the majority of the vegetation covered dune, is about 65 metres wide. The site for the dwelling is a further 108 metres behind the boundary with the coastal reserve.

Development in Appropriate Locations

PDC 1: Development should be compatible with the coastal environment in terms of built-form, appearance and landscaping including the use of walls and low pitched roofs of non-reflective texture and natural earth colours.

PDC 31: Development along the coast should be in the form of infill in existing developed areas or concentrated into appropriately chosen nodes and not be in a scattered or linear form.

Table YoP/4 – Design Guidelines for Coastal Dwellings

In respect to Table YoP/4 – Design Guidelines for Coastal Dwellings, Section 6.4 of this statement addresses the various design guidelines in detail. In summary, the proposal substantially satisfies the various design elements, where relevant. In particular, I would make the following observations:

- The dwelling is low profile
- The ancillary buildings are limited to a single shed and rain water tanks
- The dwelling is simple in design, single storey with a low hipped roof
- The dwelling and shed do not exceed 4.5m in height above the elevation necessary for hazard risk minimisation from sea level rise
- The bulk and scale of the dwelling is minimised through articulation of floor plan layout and roof form
- The roof is a simple hip construction with a pitch of 20 degrees and a span of 8m
- The shed is substantially smaller in plan than the dwelling (31%) and has a wall height less than 3 metres
- The driveway is informal and constructed of permeable materials
- External building materials are painted with muted colours
- Building materials are generally lightweight and suitable for a coastal environment.

In respect to *PDC 31*, the nature of a rural farming environment, is scattered dwellings and farm buildings on large holdings. The subject land is rural in nature, even considering that the land is not now used for primary production. The dwelling is at the interface of coastal and farming environments. The large distances between dwellings in the locality would suggest that ‘linear development’ is not an appropriate description for the subject proposal. Albeit that a ‘scattered development’ is a suitable description, this is in character with the farming environment in the locality.

6.6 General Section – Design and Appearance

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

PDC 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.*

PDC 2: Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walling facing areas exposed to public view.

PDC 3: Buildings should be designed to reduce their visual bulk and provide visual interest through design elements such as: (a) articulation (b) colour and detailing (c) small vertical and horizontal components (d) design and placing of windows (e) variations to facades.

PDC 4: Where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise: (a) the visual impact of the building as viewed from adjoining properties (b) overshadowing of adjoining properties and allow adequate sun light to neighbouring buildings.

PDC 5: Transportable buildings and buildings which are elevated on stumps, posts, piers, columns or the like, should: (a) not have the underside of the building higher than 1.2 metres above finished ground level (b) have their suspended footings enclosed around the perimeter of the building with brickwork or timber, and the use of verandas, pergolas and other suitable architectural detailing to give the appearance of a permanent structure.

PDC 6: which will result in glare to neighbouring properties or drivers.

PDC 7: Structures located on the roofs of buildings to house plant and equipment should form an integral part of the building design in relation to external finishes, shaping and colours.

PDC 11: Buildings, landscaping, paving and signage should have a co-ordinated appearance that maintains and enhances the visual attractiveness of the locality.

PDC 12: Buildings (other than ancillary buildings or group dwellings) should be designed so that their main façade faces the primary street frontage of the land on which they are situated.

PDC 14: Development should be designed and sited so that outdoor storage, loading and service areas are screened from public view by an appropriate combination of built form, solid fencing and/or landscaping.

PDC 19: Except where specified in a particular zone, policy area, or precinct, buildings and structures should be set back from road boundaries having regard to the requirements set out in Table YoP/2 - Building Setbacks from Road Boundaries.

Table YoP/2 – Building Setbacks from Road Boundaries

The proposed dwelling will be unobtrusive, being single-storey, reasonably modest in area, and screened by vegetation from public roads. The setback distance from the South Coast Road is about 160 metres and about 150 metres from the foreshore.

The development will not detract from the rural amenity of the locality. The proposal involves the use of the existing access point to South Coast Road and corresponds closely to the existing access track on the site.

The external building materials are non light-reflective in nature.

Table YoP/2 calls for a setback of 30 metres from a road boundary in both the *Coastal Conservation Zone* and *Primary Production Zone*. All proposed structures are significantly in excess of this setback.

Issues relating to the design and appearance of the development are canvassed in detail under *Table YoP/4 –Design Guidelines for Coastal Dwelling* at 6.4 of this statement.

6.7 General Section – Energy Efficiency

Objective 1: *Development designed and sited to conserve energy.*

Objective 2: *Development that provides for on-site power generation including photovoltaic cells and wind power.*

PDC 1: *Development should provide for efficient solar access to buildings and open space all year around.*

PDC 2: *Buildings should be sited and designed (a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings (b) so that open spaces associated with the main activity areas face north for exposure to winter sun.*

PDC 3: *Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by: (a) taking into account overshadowing from neighbouring buildings (b) designing roof orientation and pitches to maximise exposure to direct sunlight.*

The proposed dwelling has the living area located between the north, south and eastern elevations with access to natural light and winter sunlight through north and east facing openings. Wide eaves provide shade in summer.

The surrounding outdoor private open space areas are open and undefined, but have exposure to winter sun and are directly accessible to the internal living area.

The pitch of the dwelling roof provides 174m² of north facing roof to accommodate solar hot water services and photovoltaic cells. In addition, the size and orientation of the shed, provides an additional 36m² of north facing roof, to accommodate photovoltaic cells to ensure self-sufficient power generation.

6.8 General Section - Hazards

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

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

Objective 4: Development located and designed to minimise the risks to safety and property from flooding.

Objective 5: Development located to minimise the threat and impact of bushfires on life and property.

Objective 6: Expansion of existing non-rural uses directed away from areas of high bushfire risk.

Objective 7: The environmental values and ecological health of receiving waterways and marine environments protected from the release of acid water resulting from the disturbance of acid sulfate soils.

PDC 1: Development should be excluded from areas that are vulnerable to, and cannot be adequately and effectively protected from, the risk of hazards.

PDC 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.

Flooding

PDC 3: Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.

PDC 4: Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following: (a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event (b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

PDC 5: Development, including earthworks associated with development, should not do any of the following: (a) impede the flow of floodwaters through the land or other surrounding land (b) increase the potential hazard risk to public safety of persons during a flood event (c) aggravate the potential for erosion or siltation or lead to the destruction of vegetation during a flood (d) cause any adverse effect on the floodway function (e) increase the risk of flooding of other land (f) obstruct a watercourse.

Bushfire

PDC 8: The following bushfire protection principles of development control apply to development of land identified as General, Medium and High Bushfire Risk areas as shown on

the Bushfire Protection Area BPA Maps - Bushfire Risk.

PDC 9: *Development in a Bushfire Protection Area should be in accordance with those provisions of the Minister's Code: Undertaking development in Bushfire Protection Areas that are designated as mandatory for Development Plan Consent purposes.*

PDC 10: *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.*

PDC 11: *Residential, tourist accommodation and other habitable buildings should: (a) be sited on the flatter portion of allotments and avoid steep slopes, especially upper slopes, narrow ridge crests and the tops of narrow gullies, and slopes with a northerly or westerly aspect (b) be sited in areas with low bushfire hazard vegetation and set back at least 20 metres from existing hazardous vegetation (c) have a dedicated and accessible water supply available at all times for fire fighting.*

BPA Map YoP/25 – Bushfire Protection Area

The subject land is located within a medium bushfire risk area.

The development satisfies the criteria contained in the Development Plan in the following respects:

- All weather access is provided from South Coast Road;
- The finished floor levels and site levels of the dwelling and shed satisfy the requirements of *Table YoP/3* in respect to the prevention of sea water inundation in extreme weather events;
- The terrain is reasonably flat and will accommodate emergency vehicles if required in the event of a bushfire;
- An adequate building protection zone can be achieved;
- The existing fire track along the western boundary will be retained, ensuring CFS access to the beach and coastal environment; and
- Rainwater tanks associated with the dwellings provide a water supply for fire-fighting purposes.

6.9 General Section – Infrastructure

Objective 1: *Infrastructure provided in an economical and environmentally sensitive manner.*

Objective 2: *Infrastructure, including social infrastructure, provided in advance of need.*

Objective 3: *Suitable land for infrastructure identified and set aside in advance of need.*

Objective 4: *The visual impact of infrastructure facilities minimised.*

Objective 5: *The efficient and cost-effective use of existing infrastructure.*

PDC 1: *Development should not occur without the provision of adequate utilities and services, including: (a) electricity supply (b) water supply (c) drainage and stormwater systems (d) waste disposal (e) effluent disposal systems (f) formed all-weather public roads (g) telecommunications services (h) social infrastructure, community services and facilities (i) gas services.*

PDC 4: *Development should not take place until adequate and co-ordinated drainage of the land is assured.*

PDC 6: *In areas where no reticulated water supply is available, development should provide for an adequate and reliable on-site water storage system having a capacity of at least 45 000 litres which is connected to the development.*

PDC 9: *The on-site storage of stormwater and water run-off for water supply purposes to development should be adopted in preference to the extension and/or augmentation of an existing reticulated water supply system where: (a) sufficient land is available to accommodate on-site water storage at the volumes required, namely 45 000 litres of storage where there is no reticulated water supply and 10 000 litres of storage where there is a reticulated water supply (b) roof areas of the development are sufficient to provide a water supply of a volume necessary to supply the development.*

PDC 10: *Electricity infrastructure should be designed and located to minimise its visual and environmental impacts.*

PDC 12: *Utilities and services, including access roads and tracks, should be sited on areas already cleared of native vegetation. If this is not possible, their siting should cause minimal interference or disturbance to existing native vegetation and biodiversity.*

The land use will not place any additional demand on essential services, as the land is currently serviced by all-weather roads, power and telecommunications services. In addition, the proposal is largely self-sufficient, with solar panels and battery storage.

On-site rainwater collection and wastewater systems will service the dwelling. Rainwater collection tanks will have a capacity of 66000L, well in excess of that required in PDC 9.

In respect to social infrastructure, facilities are available in Warooka (26 kilometres north-east); Yorketown (35 kilometres north-east) and Marion Bay (31 kilometres south-west).

6.10 General Section – Interface Between Land Uses

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

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

Objective 3: Protect desired land uses from the encroachment of incompatible development.

PDC 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.

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

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

PDC 5: Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses desired for the zone should be designed to minimise negative impacts.

PDC 15: Existing primary production uses and mineral extraction should not be prejudiced by the inappropriate encroachment of sensitive uses such as urban development.

PDC 16: Development that is adjacent to land used for primary production (within either the zone or adjacent zones) should include appropriate setbacks and vegetative plantings designed to minimise the potential impacts of chemical spray drift and other impacts associated with primary production.

There should be no interface issues considering the distance between the proposed dwelling and adjacent properties. The dwelling will be separated from agricultural activities on adjacent land and screened by vegetation and distance. The nearest adjacent dwelling is about 400 metres from the proposed dwelling site.

6.11 General Section – 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.

PDC 1: Development should incorporate open space and landscaping and minimise hard paved surfaces 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) maximise shade and shelter (g) assist in climate control within and around buildings (h) minimise heat absorption and reflection (i) maintain privacy (j) maximise stormwater re-use (k) complement existing vegetation, including native vegetation (l) contribute to the viability of ecosystems and species (m) promote water and biodiversity conservation.

PDC 2: Landscaping should: (a) include the planting of locally indigenous species where appropriate (b) be oriented towards the street frontage (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.

PDC 3: Landscaping should not: (a) unreasonably restrict solar access to adjoining development (b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding (c) introduce pest plants (d) increase the risk of bushfire (e) remove opportunities for passive surveillance (f) increase leaf fall in watercourses (g) increase the risk of weed invasion (h) obscure driver sight lines (i) create a hazard for train or tram drivers by obscuring sight lines at crossovers.

The existing native vegetation in the general locality of the proposed dwelling provides some screening and visual relief. However, the land between the dwelling envelope and South Coast Road, is relatively open and flat. In fact, the dwelling floor level is higher than the public road. Therefore, it has been important to incorporate screen planting, with native species around the building envelope, along both sides of the driveway and along South Coast Road.

The extensive native screen planting proposed, satisfies the requirements of *Objective 1* and *PDC's 1, 2 & 3*.

6.12 General Section – Natural Resources

Objective 1: Retention, protection and restoration of the natural resources and environment.

Objective 2: Protection of the quality and quantity of South Australia's surface waters, including inland, marine and estuarine and underground waters.

Objective 3: The ecologically sustainable use of natural resources including water resources, including marine waters, ground water, surface water and watercourses.

Objective 5: Development consistent with the principles of water sensitive design.

Objective 6: Development sited and designed to: (a) protect natural ecological systems (b) achieve the sustainable use of water (c) protect water quality, including receiving waters (d) reduce runoff and peak flows and prevent the risk of downstream flooding (e) minimise demand on reticulated water supplies (f) maximise the harvest and use of stormwater (g) protect stormwater from pollution sources.

Objective 7: Storage and use of stormwater which avoids adverse impact on public health and safety.

Objective 8: Native flora, fauna and ecosystems protected, retained, conserved and restored.

Objective 9: Restoration, expansion and linking of existing native vegetation to facilitate habitat corridors for ease of movement of fauna.

Objective 10: Minimal disturbance and modification of the natural landform.

Objective 13: Protection of the scenic qualities of natural and rural landscapes.

PDC 1: Development should be undertaken with minimum impact on the natural environment, including air and water quality, land, soil, biodiversity, and scenically attractive areas.

PDC 2: Development should ensure that South Australia's natural assets, such as biodiversity, water and soil, are protected and enhanced.

PDC 3: Development should not significantly obstruct or adversely affect sensitive ecological areas such as creeks, wetlands, estuaries and significant seagrass and mangrove communities.

PDC 4: Development should be appropriate to land capability and the protection and conservation of water resources and biodiversity.

Water Sensitive Design

PDC 5: Development should be designed to maximise conservation, minimise consumption and encourage re- use of water resources.

PDC 7: Development should be sited and designed to: (a) capture and re-use stormwater, where practical (b) minimise surface water runoff (c) prevent soil erosion and water pollution (d) protect and enhance natural water flows (e) protect water quality by providing adequate separation distances from watercourses and other water bodies (f) not contribute to an increase in salinity levels (g) avoid the water logging of soil or the release of toxic elements (h) maintain natural hydrological systems and not adversely affect: (i) the quantity and quality of groundwater (ii) the depth and directional flow of groundwater (iii) the quality and function of natural springs.

Biodiversity and Native Vegetation

PDC 26: Development should retain existing areas of native vegetation and where possible

contribute to revegetation using locally indigenous plant species.

PDC 27: *Development should be designed and sited to minimise the loss and disturbance of native flora and fauna, including marine animals and plants, and their breeding grounds and habitats.*

PDC 28: *Native vegetation should be conserved and its conservation value and function not compromised by development if the native vegetation does any of the following: (a) provides an important habitat for wildlife or shade and shelter for livestock (b) has a high plant species diversity or includes rare, vulnerable or endangered plant species or plant associations and communities (c) provides an important seed bank for locally indigenous vegetation (d) has high amenity value and/or significantly contributes to the landscape quality of an area, including the screening of buildings and unsightly views (e) has high value as a remnant of vegetation associations characteristic of a district or region prior to extensive clearance for agriculture (f) is growing in, or is characteristically associated with a wetland environment.*

PDC 29: *Native vegetation should not be cleared if such clearing is likely to lead to, cause or exacerbate any of the following: (a) erosion or sediment within water catchments (b) decreased soil stability (c) soil or land slip (d) deterioration in the quality of water in a watercourse or surface water runoff (e) a local or regional salinity problem (f) the occurrence or intensity of local or regional flooding.*

PDC 32: *Development should be located and occur in a manner which: (a) does not increase the potential for, or result in, the spread of pest plants, or the spread of any non- indigenous plants into areas of native vegetation or a conservation zone (b) avoids the degradation of remnant native vegetation by any other means including as a result of spray drift, compaction of soil, modification of surface water flows, pollution to groundwater or surface water or change to groundwater levels (c) incorporates a separation distance and/or buffer area to protect wildlife habitats and other features of nature conservation significance.*

PDC 33: *Development should promote the long-term conservation of vegetation by: (a) avoiding substantial structures, excavations, and filling of land in close proximity to the trunk of trees and beneath their canopies (b) minimising impervious surfaces beneath the canopies of trees (c) taking other effective and reasonable precautions to protect both vegetation and the integrity of structures and essential services.*

Soil Conservation

PDC 36: *Development should not have an adverse impact on the natural, physical, chemical or biological quality and characteristics of soil resources.*

PDC 37: *Development should be designed and sited to prevent erosion.*

PDC 38: *Development should take place in a manner that will minimise alteration to the existing landform.*

The proposed dwelling is modest in size and will involve minimal change to the physical condition or use of the land. The dwelling is located in an area reasonably clear of vegetation. The modest size of the buildings and relatively cleared area will mean minimal impact upon any existing native vegetation. The additional screen plantings will complement the existing native vegetation.

The proposed dwelling is to be serviced by an independent on-site septic wastewater system, power generation and rainwater collection.

The development is consistent with *Objectives* and *Principles of Development Control* relating to Natural Resources, in that:

- It collects roof stormwater with three 22000L rainwater tanks that are reticulated to the dwelling for reuse;
- It incorporates an on-site wastewater scheme to dispose of wastewater in a location greater than 100 metres from the foreshore;
- There is no native vegetation impacted by the proposal;
- There will be minimal disturbance and modification of the existing landform;
- There is minimal impact upon the scenic qualities of the coastal locality; and
- With a floor level of 4.0m AHD it is protected from flooding or inundation.

6.13 General Section – Orderly and Sustainable Development

Objective 1: *Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.*

Objective 2: *Development occurring in an orderly sequence and in a compact form to enable the efficient provision of public services and facilities.*

Objective 3: *Development that does not jeopardise the continuance of adjoining authorised land uses.*

Objective 4: *Development that does not prejudice the achievement of the provisions of the Development Plan.*

Objective 6: *Urban development contained within existing townships and settlements and located only in zones designated for such development.*

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

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

PDC 5: Ribbon development should not occur along the coast, water frontages or arterial roads shown in Overlay Maps - Transport.

PDC 6: Development should be located and staged to achieve the economical provision of public services and infrastructure, and to maximise the use of existing services and infrastructure.

PDC 8: Vacant or underutilised land should be developed in an efficient and co-ordinated manner to not prejudice the orderly development of adjacent land.

The proposed development is an orderly and sustainable form of development, in that the proposed dwelling is serviced by a good quality public road and the land has access to existing infrastructure, thus ensuring a safe, convenient and pleasant environment in which to live.

In view of the distance between the proposed dwelling and adjacent properties, there is no circumstance that would jeopardise the continued use of primary production or conservation on adjacent land.

The modest size of the dwelling in a position reasonably clear of vegetation, ensures that the dwelling will not prejudice the value of the land for conservation.

In regard to *PDC 2*, the subject land is used primarily for conservation. The proposed dwelling will not change that situation, except that the permanent occupation of the land will promote the preservation and maintenance of the vegetation.

6.14 General Section – Residential Development

Objective 1: Safe, convenient, pleasant and healthy-living environments that meet the full range of needs and preferences of the community.

Garages, Carports and Outbuildings

PDC 11: Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complement the associated dwelling.

PDC 13: Residential outbuildings, including garages and sheds, should not be constructed unless in association with an existing dwelling.

Site Coverage

PDC 18: Site coverage should be limited to ensure sufficient space is provided for: (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) a rainwater tank (e) private open space and landscaping (f) front, side and rear boundary setbacks that contribute to the desired character of the area (g) convenient storage of household waste and recycling receptacles.

Private Open Space

PDC 19: Private open space (land available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed: (a) to be accessed directly from the internal living areas of the dwelling (b) generally at ground level to the side or rear of a dwelling and screened for privacy (c) to take advantage of but not adversely affect natural features of the site (d) to minimise overlooking from adjacent buildings (e) to achieve separation from bedroom windows on adjoining sites (f) to have a northerly aspect to provide for comfortable year-round use (g) to not be significantly shaded during winter by the associated dwelling or adjacent development (h) to be shaded in summer.

PDC 32: Parking areas servicing more than one dwelling should be of a size and location to: (a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely (b) provide adequate space for vehicles to manoeuvre between the street and the parking area (c) reinforce or contribute to attractive streetscapes.

The proposed dwelling will satisfy the various relevant provisions relating to street and boundary setbacks, site coverage, private open space and access etc.

A more detailed assessment has been made in Section 6.4 - Table YoP/4 – Design Guidelines for Coastal Dwellings. The proposal substantially satisfies the criteria in Table YoP/4. In particular:

- The dwelling is designed to address both the public road and the foreshore;
- The finished floor level of the dwelling at 4.0m AHD is sufficient to protect from flooding;
- The dwelling and garage do not exceed a height greater than 4.5m;
- It has site coverage of less than 1%;
- Outbuildings are ancillary to the dwelling;
- Private open space, in the context of a large rural holding, substantially satisfies PDC 19; and
- Adequate on-site car parking is provided in accord with PDC 32.

6.15 General Section – Siting and Visibility

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

PDC 1: Development should be sited and designed to minimise its visual impact on: (a) the natural, rural or heritage character of the area (b) areas of high visual or scenic value, particularly rural and coastal areas (c) views from the coast, near-shore waters, public reserves, tourist routes and walking trails (d) the amenity of public beaches.

PDC 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.

PDC 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.

PDC 4: Buildings and structures should be designed to minimise their visual impact in the landscape, in particular: (a) the profile of buildings should be low and the rooflines should complement the natural form of the land (b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land (c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.

PDC 5: The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.

PDC 6: The number of buildings and structures on land outside of urban areas should be limited to that necessary for the efficient management of the land.

PDC 7: Driveways and access tracks should be designed and surfaced to blend sympathetically with the landscape and to minimise interference with natural vegetation and landforms.

PDC 8: Development should be screened through the establishment of landscaping using locally indigenous plant species: (a) around buildings and earthworks to provide a visual screen as well as shade in summer, and protection from prevailing winds (b) along allotment boundaries to provide permanent screening of buildings and structures when viewed from adjoining properties and public roads (c) along the verges of new roads and access tracks to provide screening and minimise erosion.

The siting of the proposed dwelling, together with substantial screen planting of native species, will ensure the protection of the rural and coastal landscape.

Visual impact will be minimal through existing and proposed vegetation screening and significant distances from both public roads, the coast and property boundaries.

In summary, the proposed dwelling and ancillary structures, is substantially consistent with the relevant provisions of the Development Plan in respect to siting and visibility. In particular:

- The dwelling and ancillary structures are grouped together;
- The dwelling is appropriately setback from the public road, coastal boundary and side boundaries;
- The building profile is low;
- The mass of the building is minimised by variations in wall and roof lines; window and door placement; and deck and verandah protrusions;
- A roof over portion of the deck is incorporated into the design;
- External building materials are appropriate and will not detract from the visual character and amenity of the landscape; and
- The extent of the driveway is minimal and suitably paved.

6.16 General Section – Tourism Development

Objective 1: *Environmentally sustainable and innovative tourism development.*

Objective 2: *Tourism development that assists in the conservation, interpretation and public appreciation of significant natural and cultural features including State or local heritage places.*

Objective 3: *Tourism development that sustains or enhances the local character, visual amenity and appeal of the area.*

Objective 4: *Tourism development that protects areas of exceptional natural value, allows for appropriate levels of visitation, and demonstrates an environmental analysis and design response which enhances environmental values.*

Objective 5: *Tourism development in rural areas that does not adversely affect the use of agricultural land for primary production.*

Objective 6: *Tourism development that contributes to local communities by adding vitality to neighbouring townships, regions and settlements.*

PDC 1: *Tourism development should have a functional or locational link with its natural, cultural or historical setting.*

PDC 2: *Tourism development and any associated activities should not damage or degrade any significant natural and cultural features.*

PDC 3: *Tourism development should ensure that its scale, form and location will not overwhelm, over commercialise or detract from the intrinsic natural values of the land on which it is sited or the character of its locality.*

Albeit that the proposal is not a tourist development, the conservation and long-term protection of over 30 hectares of native vegetation on the subject land and adjacent coastal reserve, will contribute to the development of eco-tourism in the southern portion of the Yorke Peninsula.

The Great Southern Ark project is already attracting tourists interested in significant environmental projects. The native vegetation on the subject land and adjacent coastal reserves, contributes to the important role of wildlife corridors. Permanent occupation of the land ensures maintenance, protection, fire protection, security and weed & pest control.

In the context of the native vegetation contributing to eco-tourism and the Great Southern Ark project, I would make the following observations in respect to relevant *Tourism Development* provisions:

- It contributes to the Great Southern Ark project assisting in the conservation, interpretation and public appreciation of significant natural features
- It contributes to tourism development that sustains or enhances the local character, visual amenity and appeal of the area
- Any contribution made to eco-tourism in its association with the Great Southern Ark project will in turn provide a contribution to local communities

6.17 General Section - Transportation and Access

Objective 2: *Development that: (a) provides safe and efficient movement for all motorised and non-motorised transport modes (b) ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles (c) provides off street parking (d) is appropriately located so that it supports and makes best use of existing transport facilities and networks.*

PDC 2: *Development should be integrated with existing transport networks, particularly major rail and road corridors as shown on Location Maps and Overlay Maps - Transport, and designed to minimise its potential impact on the functional performance of the transport networks.*

Access

PDC 22: *Development should have direct access from an all weather public road.*

PDC 23: *Development should be provided with safe and convenient access which: (a) avoids unreasonable interference with the flow of traffic on adjoining roads (b) provides appropriate separation distances from existing roads or level crossings (c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.*

PDC 27: *Development with access from arterial roads or roads as shown on Overlay Maps - Transport should be sited to avoid the need for vehicles to reverse on to or from the road.*

PDC 31: *Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with Table YoP/3 - Off Street Vehicle Parking Requirements.*

Table YoP/3 – Off Street Vehicle Parking Requirements

The proposed development provides covered parking for up to three vehicles within the garage. In addition, adequate space is provided on the subject site for the access, additional parking, loading and unloading and manoeuvring of domestic, service and emergency vehicles.

No additional access points are required. The existing driveway and access point to South Coast Road is a safe all weather connection to service the dwelling.

Access to the existing fire track along the western boundary that provides the CFS with access to the coast will be maintained. Access to the fire track will be through the single access point to South Coast Road.

The proposed development is consistent with *Objective 2* and *PDC's 2, 22, 23, 27 & 31*.

6.18 General Section – Waste

Objective 1: *Development that, in order of priority, avoids the production of waste, minimises the production of waste, reuses waste, recycles waste for reuse, treats waste and disposes of waste in an environmentally sound manner.*

PDC 1: *Development should be sited and designed to prevent or minimise the generation of waste (including wastewater) by applying the following waste management hierarchy in the order of priority as shown below: (a) avoiding the production of waste (b) minimising waste*

production (c) reusing waste (d) recycling waste (e) recovering part of the waste for re-use (f) treating waste to reduce the potentially degrading impacts (g) disposing of waste in an environmentally sound manner.

PDC 7: *The disposal of wastewater to land should only occur where methods of wastewater reduction and re-use are unable to remove the need for its disposal, and where its application to the land is environmentally sustainable.*

The proposal incorporates a new septic tank and disposal area that will be installed in accord with Council's Health requirements.

The development will not result in the unsustainable use of surface or ground water. More specifically, the dwelling will have little impact upon the quality of water resources, in that the development:

- Includes a septic wastewater system on the site, located more than 100 metres from the nearest coastal reserve;
- Minimises the generation of waste;
- Includes additional planting of native vegetation species that will contribute to the prevention of soil erosion;
- Maintains water quality of receiving waters;
- Retains and re-uses stormwater on-site;
- Has no impact upon existing native vegetation; and
- Is distant from watercourses.

7. Extent to which the Proposed Development complies with the Relevant Provisions of the Development Plan

While the proposed dwelling and ancillary shed is a non-complying form of development in the *Coastal Conservation Zone* and *Primary Production Zone*, the circumstances are unique and it complies with the great majority of the relevant provisions of the Development Plan.

A brief summary of the assessment against the various provisions of the Development Plan, as detailed in Section 6 of this statement, is contained on the table below:

Subject Area	Relevant Policy	Summary of Consistency
Coastal Conservation Zone	<i>CCZ – Objectives 1, 3 & 4</i> <i>Desired Character</i>	Albeit that a dwelling is non-complying, the proposed dwelling will contribute to the ongoing protection and maintenance of the

	<i>PDC's 1 – 4, 7 – 10 & 12</i>	coastal environment. The proposal is substantially consistent with all other policy.
Primary Production Zone	<i>PPZ Objectives 1 – 4 & 6</i> <i>Desired Character</i> <i>PDC's 1, 2, 5, 9, 10 & 12</i>	Albeit that a dwelling is non-complying, the dwelling is located external to the PPZ. There is no farming activity on the land, with the conservation of the native vegetation being the primary use of the land. The proposal makes no difference to the availability of land for farming activity.
Table YoP/1 – Coastal Areas: Site/Building Floor Areas	<i>Foul Bay</i>	Consistent with policy.
Table YoP/4 -Design Guidelines for Coastal Dwellings	<i>Design Guidelines 1.1; 2.1; 2.2; 2.8; 2.9 & 2.10; 3.1 & 3.2; 4.1 – 4.4; 5.1 – 5.3; 7.1; 7.2; 7.4 & 7.5; 9.1 & 9.2; 10.1; 11.1 – 11.3; 12.1 & 12.2; 13.1; 14.1 – 14.4; 15.1; 16.2 & 16.3; 19.1; 20.1 – 20.4</i>	Substantially satisfies the various design guidelines. The only areas of non-compliance relate to issues more specifically aimed at development on small allotments in settlements.
Coastal Areas	<i>CW Objectives 1 – 8</i> <i>CW PDC's 1 – 6, 8 – 14, 19, 20, 22, 24 – 26 & 31</i> <i>Table YoP/1 - Coastal Areas: Site/Building Floor Levels</i> <i>Table YoP/4 - Design Guidelines for Coastal Dwellings</i>	Substantially satisfies policy.
Design and Appearance	<i>CW – Objective 1</i> <i>PDC's 1 – 7, 11, 12, 14 & 19</i> <i>Table YoP/2 - Building Setbacks from Road Boundaries</i>	Substantially satisfies policy to the extent that it is relevant.
Energy Efficiency	<i>CW Objectives 1 & 2</i> <i>CW PDC's 1 - 3</i>	In accord with policy.

Hazards	<i>CW Objectives 1, 2 & 4 - 7</i> <i>CW – PDC's 1 – 5 & 8 -11</i> <i>BPA Map YoP/25 – Bushfire Protection Area</i>	Substantially in accord with policy – living floor level raised to an appropriate level and bushfire protection satisfied
Infrastructure	<i>CW Objectives 1 – 5</i> <i>CW PDC's 1, 4, 6, 9, 10 & 12</i>	Consistent with policy.
Interface between Land Uses	<i>CW Objectives 1 – 3</i> <i>PDC's 1, 2, 4, 5 & 15 - 17</i>	No interface issues.
Landscaping, Fences and Walls	<i>CW Objective 1</i> <i>PDC's 1 – 3</i>	Substantially satisfies policy.
Natural Resources	<i>CW Objectives 1 3, 5 – 10 & 13</i> <i>PDC's 1 -5, 7, 26 – 29, 32, 33 & 36 - 38</i>	No adverse implications in respect to natural resources
Orderly and Sustainable Development	<i>CW Objectives 1 – 4 & 6</i> <i>PDC's 1, 2, 5, 6 & 8</i>	Consistent with policy
Residential Development	<i>CW Objective 1</i> <i>PDC's 11, 13, 18, 19 & 32</i>	Substantially satisfies policy.
Siting and Visibility	<i>CW Objective 1</i> <i>CW PDC's 1 - 8</i>	In accord with policy.
Tourism Development	<i>CW Objectives 1 - 6</i> <i>CW PDC's 1 - 3</i>	To the extent that it is relevant, satisfies policy.
Transportation and Access	<i>CW Objective 2</i> <i>CW PDC's 2, 22, 23, 27 & 31</i> <i>Table YoP/3 – Off Street Vehicle Parking Requirements</i>	Entirely consistent with policy
Waste	<i>CW Objective 1</i> <i>CW PDC's 1 & 7</i>	Consistent with policy

Note: CCZ – Council Conservation Zone; PPZ – Primary Production Zone; CW – Council Wide

8. Assessment of Economic, Social and Environmental Effects of the Development in the Locality

Economic

Employment

The construction of the dwelling and shed and upgrading of the driveway will provide a minor economic stimulus, providing work for local trade persons and other related professionals. In addition, there will be minor employment opportunities relating to associated facilities (ie wastewater, rainwater tanks, solar panels & batteries and landscaping).

Local Businesses

The additional dwelling will provide a minor economic stimulus to existing businesses in Yorketown, Warooka and Marion Bay.

Infrastructure

The subject land is already serviced by an all-weather public road and electricity supply. However, the dwelling will be self-sufficient in respect to power, wastewater and water supply. Thus, the development will place no additional demand upon existing public infrastructure or social facilities.

No negative economic aspects are foreseen in the proposal.

Social

There are no aspects of the proposal that are likely to create any negative social effects.

Environmental

Vehicle Movements

The proposed dwelling will create no significant change in vehicle generation to and from South Coast Road.

Native Vegetation

The proposal retains all native vegetation on the subject land.

Any relevant matters of an environmental nature are addressed in the body of this statement.

There are no negative economic, social or environmental effects associated with the proposed development.

9. Conclusion

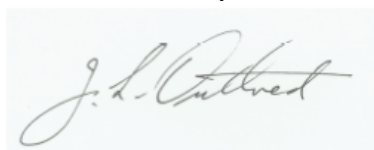
Whilst recognising the non-complying nature of the proposed dwelling and ancillary shed, the proposal is substantially consistent with the relevant provisions of the Yorke Peninsula Council Development Plan and warrants approval for the following reasons:

- Albeit that the proposed development is non-complying in the *Coastal Conservation Zone*, it is complimentary to the conservation aims of the zone and substantially satisfies the relevant provisions of the zone;
- Albeit that the dwelling is listed as non-complying in the *Primary Production Zone*, the dwelling and ancillary shed will not prejudice the use of land for primary production;
- The proposed dwelling would not be detrimental to the primary aim of the *Primary Production Zone* of maintaining land for primary production, as the portion of the land containing the proposed structures, is not within the *Primary Production Zone*, and in any event, would have minimal impact upon the potential on using the subject land for primary production activity;
- The development is substantially in accord with the relevant parts of the *Desired Character* of the *Primary Production Zone*;
- The development is substantially in accord with the *Design Guidelines* contained in *Table YoP/4 – Design Guidelines for Coastal Dwelling*;
- The proposal substantially satisfies the relevant provisions of the Development Plan relating to *Design and Appearance* and *Energy Efficiency*;
- There is suitable protection from bushfire events and there are no other potential hazards;

- There is adequate infrastructure to service the modest development, although it will be largely self-sufficient;
- There are no issues associated with the interface between land uses;
- The proposal satisfies the various relevant provisions relating to residential development;
- There are no issues associated with natural resources;
- The modest sized dwelling will not jeopardise the continued use of authorised land uses or prejudice the achievement of primary production in the vicinity;
- The rural landscape will not be impacted by the proposal;
- There is minimal change to existing driveways or the existing suitable point of access; and
- The proposed wastewater facilities for the dwelling satisfy the provisions of the Development Plan relating to waste.

Thus, the proposal is not seriously at variance with the Yorke Peninsula Development Plan, and in my opinion, warrants Development Plan Consent.

Yours sincerely



John Outhred BA Planning
Principal Planner