I hereby give notice that the Council Assessment Panel Meeting will be held on:

Date:	**Tuesday, 23 November 2021**
Time:	**9.30am**
Location:	**Council Chambers**
	Minlaton Town Hall
	57 Main Street
	Minlaton

AGENDA

Council Assessment Panel Meeting

23 November 2021

Roger Brooks

ASSESSMENT MANAGER

Yorke Peninsula Council
Assessment Panel Membership

Debra Agnew – Presiding Member

Ben Green

Peter Allen

Elinor Walker

John Rich

Richard Carruthers

CONFLICT OF INTEREST

Council Assessment Panel Members are reminded of the requirements for disclosure by Members of direct or indirect personal or pecuniary interest in an item listed for consideration on the Agenda. Section 56A of the Development Act 1993 requires that Members declare any interest and provide full and accurate details of the relevant interest to the Council Assessment Panel prior to consideration of that item on the Agenda.

Each Member of a Council Assessment Panel has a duty to vote at all meetings unless excepted by legislation.

The major exception being where a Member has a conflict of interest.

Agenda

1 Welcome by Presiding Member....2
2 Present....2
3 Gallery....2
4 Apologies....2
5 Leave of Absence....2
6 Minutes of Previous Meeting – for Confirmation....2
7 Conflict of Interest....2
8 Visitors to the Meeting....2
REPORTS....2
9 Development Applications....2
9.1 544/1340/2019 - Detached dwelling (Non-complying) - Lot 6 Conservation Drive Wauraltee - Altea Pty Ltd....2
10 Matters Deferred....2
Nil
11 Review of Decision of Assessment Manager....2
Nil
12 ERD Court Matters....2
Nil
13 Concurrence Approvals....2
14 Procedural Matters....2
Nil
15 Next Meeting....2
16 Closure....2

1 WELCOME BY PRESIDING MEMBER

Meeting declared opened

2 PRESENT

3 GALLERY

4 APOLOGIES

Nil

5 LEAVE OF ABSENCE

Mr John Rich

6 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

Council Assessment Panel Meeting – 22 June 2021

7 CONFLICT OF INTEREST

8 VISITORS TO THE MEETING

REPORTS

REPORTS

9 DEVELOPMENT APPLICATIONS

9.1 544/1340/2019 - DETACHED DWELLING (NON-COMPLYING) - LOT 6 CONSERVATION DRIVE WAURALTEE - ALTEA PTY LTD

Document #: 21/125209

Department: Development Services

PROPOSAL OUTLINE

Author:	Susan Hadley
Application No.:	544/1340/2019
Applicant:	P Rocca, C/- Heynen Planning Consultants
Owner:	Altea Pty Ltd
Development Proposal:	Detached dwelling, 3 x 22,000 litre water tanks & associated earthworks
Lodgement Date:	24 September 2019
Subject Land:	Lot 6 Conservation Drive, Wauraltee
Zone:	Coastal Conservation Zone
Nature of Development:	Non-complying
Public Notification:	Category 3
Representations:	Nil
Referrals:	Coast Protection Board, CFS, Native Vegetation Council.
Development Plan Version:	29 November 2018
Development Legislation:	Development Act, 1993

RECOMMENDATION

A. That Development Application 544/1340/2019 for the construction of a Detached dwelling, 3 x 22,000 litre water tanks & associated earthworks, at Lot 6 Conservation Drive, Wauraltee, is not seriously at variance with the provisions of the Yorke Peninsula Council Development Plan consolidated 29 November 2018.

B. That following consideration and having regard to all relevant matters concerning the construction of a Detached dwelling, 3 x 22,000 litre water tanks & associated earthworks, at Lot 6 Conservation Drive, Wauraltee (Development Application 544/1340/2019), the proposal be GRANTED Development Plan Consent, subject to the following conditions of consent and concurrence being sought from the State Commission Assessment Panel.

Conditions

1. The applicant shall proceed strictly in accordance with the plans submitted and conditions imposed by this consent, except where minor changes are required to comply with the Building Code of Australia.
2. The Applicant or Landowner shall apply and obtain the necessary approvals for a waste control system in accordance with the South Australian Public Health Act 2011, prior to obtaining Development Approval.
3. Where no mains water is available, the gutters of the dwelling shall be connected to on-site rainwater storage tank(s) with a minimum capacity of 45,000 litres,

reticulated to the dwelling and with appropriate connection to enable its use for firefighting purposes.

4. **Driveways, vehicle manoeuvring and parking areas shall be constructed of dolomite (or similar material) as a minimum, prior to occupation or use of the development herein approved. Such surfaces shall be maintained in a good and substantial condition at all times to the reasonable satisfaction of Council.**
5. **The development shall be carried out with regard to the Native Vegetation Management Plan as agreed to by the Native Vegetation Council for a Significant Environmental Benefit within three (3) months of occupation of the residence.**
6. **Landscaping shall only include local native species which are of local provenance to ensure no new weed species are introduced.**

<u>Country Fire Service Conditions</u>:

ACCESS TO DWELLING

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.3.1 describes the mandatory provision that 'Private' roads and driveways to buildings shall provide safe and convenient access/egress for large bushfire fighting vehicles, where the furthest point to the building from the nearest public road is more than 30 metres.

SA CFS has no objection to the proposed access driveway as detailed on drawing named Preliminary Site Plan (n.d.), received 12 September 2018, with the following conditions:

- **Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles.**
- **The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either –**
- **A loop road around the building, OR**
- **A turning area with a minimum radius of 12.5 metres, OR**
- **A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.**
- **Private access shall have minimum internal radii of 9.5 metres on all bends.**
- **Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.**

ACCESS (to dedicated water supply)

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for fire-fighting.

The proposed location of dedicated fire water tanks has not been detailed on the drawings provided. SA CFS has no objection to the proposed rain water tanks being utilised as the dedicated supply, providing an outlet can be positioned to comply with the following conditions:

- **The water supply outlet shall be easily accessible and clearly identifiable from the access way and at a distance of no greater than 30 metres from the proposed dwelling.**

- **The dedicated water supply and its location should be identified with suitable signage (ie. blue sign wih white lettering "FIRE WATER").**
- **Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.**
- **Provision shall be made adjacent to the water supply for a flat hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.**
- **SA CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.**
- **A gravity fed water supply outlet may be remotely located from the tank to provide adequate access.**
- **All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.**
- **All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.**
- **Ideally a remote water supply outlet should be gravity fed, where this is not possible the following dimensions shall be considered as the maximum capability in any hydraulic design for draughting purposes:**
- **The dedicated water supply outlet for draughting purposes shall not exceed 5 metre maximum vertical lift (calculated on the height of the hardstand surface to the lowest point of the storage) and no greater than 6 metre horizontal distance.**
- **The suction outlet pipework from the tank shall be fitted with an inline non return valve of nominal internal diameter not less than that of the suction pipe and be located from the lowest point of extract from the tank. All fittings shall be installed to allow for easy maintenance.**

WATER SUPPLY

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made available at all times for fire-fighting.

Ministers Specification SA78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister's Specification SA78:

- **A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.**
- **The minimum requirement of 22,000 litres may be combined with domestic use, providing the outlet for domestic use is located above the 22,000 litres of dedicated fire water supply in order for it to remain as a dedicated supply.**
- **The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.**
- **The dedicated fire-fighting water supply shall be pressurised by a pump that has –**
- **A minimum inlet diameter of 38mm, AND**

- **Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR**
- **A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.**
- **The dedicated fire-fighting water supply pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. An 'Operations Instruction Procedure' shall be located with the pump control panel.**
- **The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.**
- **All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.**
- **All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.**
- **A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the dwelling).**
- **All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.**
- **All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.**
- **All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.**
- **All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.**
- **All fire-fighting hoses shall be readily available at all times.**

VEGETATION

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.5 mandates that landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property.

A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the dwelling (or to the property boundaries – whichever comes first) as follows:

i. **The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous.**
ii. **Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.**
iii. **Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.**

iv. **Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.**

v. **Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.**

vi. **Shrubs must not be planted under trees or must be separated by at least 1.5 times their mature height from the trees' lowest branches.**

vii. **Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.**

viii. **No understorey vegetation shall be established within 1 metre of the dwelling understorey is defined as plants and bushes up to 2 metres in height).**

ix. **Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves**

x. **The VMZ shall be maintained to be free of accumulated dead vegetation.**

Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but its intent is to provide a '*measure of protection'* from the approach, impact and passing of a bushfire.

<u>Coast Protection Board Conditions</u>:

1. **The Native Management Plan including the key actions, a works calendar and monitoring program, submitted to support the application, shall be adhered to in full, for the required 10 year period.**
2. **There shall be no encroachment of private structures or landscaping on, or disturbance to, Crown land as a result of this development or post construction.**
3. **Any imported substrate material or engineered fill shall be free of weeds and pathogens, to ensure that noxious weeds or contaminants are not introduced into the coastal environment.**

Notes

1. **The applicant is advised that any native vegetation on the site is protected under the Native Vegetation Act 1991 and Native Vegetation Regulations 2017. Prior to any clearance being undertaken, the applicant should seek Native Vegetation Council approval, which may include provision of a Significant Environmental Benefit offset. For further information visit: http://www.nvc.sa.gov.au, which includes an online interactive guide that helps to determine if an application to clear native vegetation is required, alternatively the Native Vegetation Council can be contacted on 8303 9777 or nvc@sa.gov.au**
2. **Landscaping associated with this development should consist of local native coastal species, to improve coastal biodiversity and minimise the spread of exotic plants on the coast. Staff from the Northern and Yorke Landscapes Board should be contacted for expert advice, including the development of a suitable species list. Alternatively, the publication 'Coastal gardens – a planting guide for the Northern and Yorke coastal region' may be able to assist with making informed choices. This can be found online: https://www.landscape.sa.gov.au/ny/get-involved/at-home**
3. **Effluent/waste-water disposal systems shall be of a type which are fully self-contained to ensure there can be no seepage or overflow to the coastal environment.**

NATURE OF THE DEVELOPMENT

The applicant proposed to erect a new dwelling at (Lot 6) Conservation Drive, Wauraltee.

The subject land is located in the Coastal Conservation Zone, as depicted in the Yorke Peninsula Council Development Plan, consolidated 29 November 2018.

New dwellings are non-complying in the Coastal Conservation Zone unless they meet a number of requirements as outlined below:

Dwelling *Except where it achieves on 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 proposal does not meet any of the above criterion, therefore the application must be assessed as a non-complying type of development.

After consideration of the "Brief Statement in Support" submitted by the applicant in accordance with Regulation 17(1) of the Development Regulations 2008, as well as consideration of the general character of the area and a Land Management Agreement which exists over the land (*refer Attachment 1*), staff under delegation resolved to proceed with the assessment of the application (*refer Attachment 3*).

The applicant was then requested to provide a Statement of Effect in accordance with the requirements of Regulation 17(5) (*refer Attachment 4*).

DESCRIPTION OF THE PROPOSAL

The application (*refer Attachment 1*) is for a new dwelling on a parcel of land that is described on the Certificate of Title (*refer Attachment 2*) as Allotment 6 Deposited Plan 31836, in the area named Wauraltee, Hundred of Wauraltee.

The property is one of several similar parcels in the locality which have already been developed with dwellings and associated outbuildings more than ten (10) years earlier.

As previously mentioned, the land is subject to a Land Management Agreement which was implemented as a result of a land division consent for 9 allotments. The LMA envisages the development of a new dwelling and associated outbuildings, however no building envelope has been designated.

The proposal has been amended several times to meet Development Plan requirements and requirements of the Coast Protection Board and CFS. The amended proposal (Job No 493-19, dated 8/6/21, V6) (*refer Attachment 5*) consists of a single storey detached dwelling of 3 bedrooms (master with ensuite and walk in robe), separate main bathroom and toilet, a family room, open plan kitchen, dining and living areas, a mud/sand room, an alfresco outdoor area and double garage under the main roof. The total footprint of the development covers 294.66m^2 with a conventional construction on a filled site. A bench level of 2.34 AHD and finished floor level of 2.87 AHD is proposed with battered slopes and landscaping surrounding the site in accordance with the Native Vegetation Management Plan and Significant Environmental Benefit area requirements.

External cladding materials comprise rendered brickwork with a Colorbond® roof in non-reflective earthen tones.

The dwelling proposes a wall height of 2.74m at the highest point and will be serviced by three 22,000 litre water storage tanks, one of which will serve as the dedicated fire water supply.

SUBJECT LAND AND LOCALITY

The subject land is an irregular shaped site comprising 45.11 hectares in area with a frontage of 1704.21m along Conservation Drive to the east and a boundary of 1363.33m to the west adjacent the coastal area of Wauraltee beach.

The site is wholly contained within the Coastal Conservation Zone (*refer Figure 1 below*). This zone also abuts the Primary Production Zone along the eastern boundary of the allotment. The general area has some cleared land as well as large tracts of native vegetation.

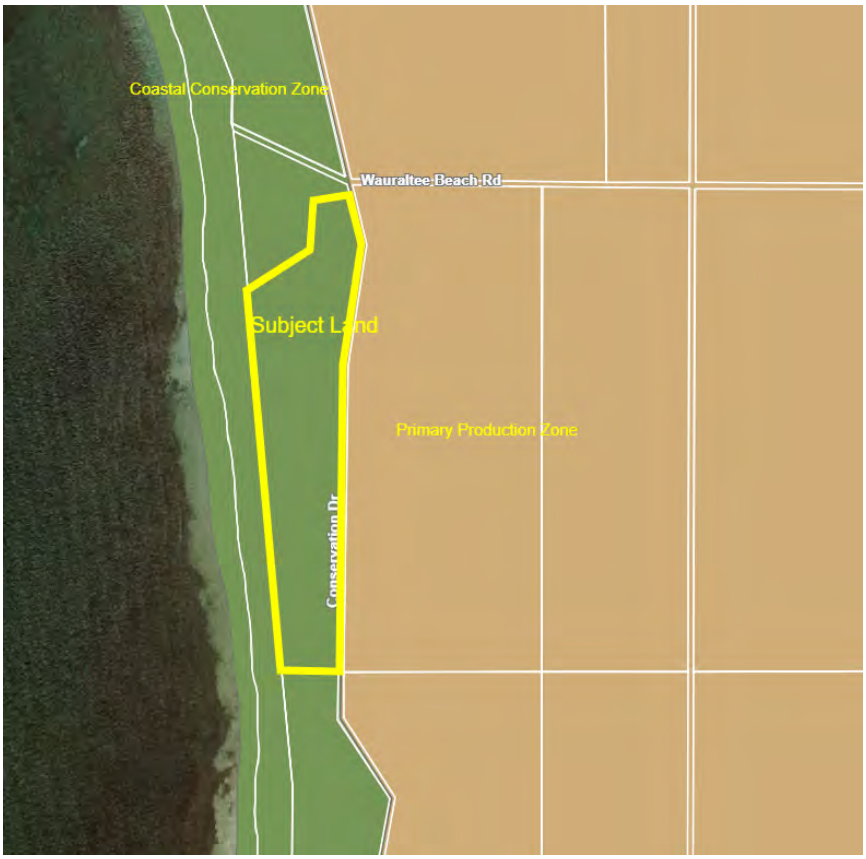

Figure 1: Development Plan Zones as depicted on Zone Map YoP/6

The vacant subject land forms part of a coastal dune system with lower profile coastal vegetation and has post and wire fencing around parts of the boundary. The land is undulating in nature and appears to be covered with coastal vegetation apart from some areas along the eastern boundary with Conservation Drive where the vegetation becomes sparser. The area between the allotment and the coast appears to have good vegetation cover largely unspoiled by tracks until closer in proximity to the Wauraltee Bush Campground where tracks extend along the top of the coastal dune. Camping generally occurs along the coast line and the beaches are enjoyed by the public in general for activities such as walking, swimming and angling (*refer Figure 2*).

Figure 2: Aerial image of subject land highlighted in yellow.

The adjoining allotment (Lot 7) to the north is a designated Bush Campground owned by Yorke Peninsula Council and the next allotment north of the campground comprises a substantial sized residential dwelling with ancillary buildings along the western boundary that is not visible from the public road. The adjoining allotment to the south comprises a modest size dwelling in the southern portion along the western boundary that is also not visible from the public road.

PUBLIC NOTIFICATION

A dwelling, which is characterised as a non-complying form of development, is not listed as being Category 1 or Category 2 development for the purpose of public consultation under the relevant zone policies or Schedule 9 of the Development Regulations, 2008.

Therefore, the proposal underwent the public notification process for Category 3 development as is prescribed under Section 38(2)(c) of the Development Act, 1993 (*refer Attachment 6*).

Nil (0) representations were received.

CONSULTATION

As the subject land falls within the definition of 'coastal land' for the purposes of referral under Schedule 8 of the Development Regulations, 2008, a referral to the Coast Protection Board (CPB) was required.

The Coast Protection Board response (*refer Attachment 7*) advised that it has no objections and recommended conditions & notes for inclusion with any approval.

As the subject land is located in a high bushfire protection area, a referral to the Country Fire Service (CFS) was required.

The SA CFS response (*refer Attachment 8*) advised of no objection to the proposal and provided a list of mandatory Bushfire Protection planning requirements as conditions of consent for inclusion with any approval.

Due to the nature of the site and the extent of native vegetation cover the Native Vegetation Council (NVC) were informally consulted.

Response from the NVC (*refer Attachment 9*) advised that the proposed location appeared reasonable due to being out of the dunes and better vegetation, closer to the road side. An application for native vegetation removal in relation to a new house under Native Vegetation Regulation 12(33) to the Native Vegetation Branch would be required.

As a result of further information requested by CPB and requirements under Native Vegetation Regulations the applicant consulted the Native Vegetation Council and has provided a Native Vegetation Assessment prepared by Ecosphere Ecological Solutions (*refer Attachment 10*) and a Native Vegetation Management Plan in agreement with the NVC which outlines the Significant Environmental Benefit Area and management of the site (*refer Attachment 11*).

ASSESSMENT

Determination of whether the application is seriously at variance

Pursuant to Section 35(2) of the Development Act 1993, the proposal has been assessed and is considered not to be seriously at variance with the Yorke Peninsula Council Development Plan consolidated 31 October 2017.

Development Plan

The provisions of the Yorke Peninsula Development Plan consolidated 29 November 2018 applicable to the assessment of the proposed development are listed below.

Coastal Conservation Zone Provisions

Objectives: 1, 2, 3, 4

Principles of Development Control: 1, 2, 3, 4, 7, 8, 9, 10, 11, 12

General Section Provisions

Coastal Areas

Objectives: 1,3,4,5,6,7,8

Principles of Development Control: 1,2,3,4,8,9,10,31

Design and Appearance

Objectives: 1

Principles of Development Control: 1, 2, 3, 6, 16, 19

Energy Efficiency

Objectives: 1

Principles of Development Control: 2

Hazards

Objectives: 1, 2, 5

Principles of Development Control: 1, 2, 8, 9, 10, 11, 13

Infrastructure

Objectives: 1

Principles of Development Control: 6

Landscaping, Fences and Walls

Objectives: 1

Principles of Development Control: 1, 2, 3

Natural Resources

Objectives: 1, 5, 6, 7, 8, 9, 10, 11, 12 & 13

Principles of Development Control: 1, 2, 4, 5, 7, 8, 10, 14, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39

Orderly and Sustainable Development

Objectives: 1, 3, 4

Principles of Development Control: 1, 2

Residential Development

Objectives: 1

Principles of Development Control: 1, 7, 8, 14, 22, 35

Siting and Visibility

Objectives: 1

Principles of Development Control: 1, 2, 3, 4, 5, 7, 8

Sloping Land

Objectives: 1

Principles of Development Control: 1, 2, 3, 4, 5, 6, 7

Transportation and Access

Objectives: 2

Principles of Development Control: 22, 23, 24, 28

Waste

Objectives: 1 & 2

Principles of Development Control: 1, 2, 3, 4, 5, 7, 10, 11, 12, 13, 14, 15

Table YoP/4 – Design Guidelines for Coastal Dwellings

Components: 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 15, 19 & 20

Coastal Conservation Zone Provisions

The policies of the zone seek to enhance and conserve the natural features of the coast including visual amenity, landforms, fauna and flora. Existing native vegetation and sensitive areas such as sand dunes and cliff tops should be protected by limiting agricultural activity and other development. Residential development should be limited to upgrading or the replacement of existing detached dwellings which are compatible to the natural features of the locality and not vulnerable to the coastal hazards.

Development should be designed and sited to be compatible with conservation and enhancement of the coastal environment and scenic beauty of the zone. Due to the topography of the site the proposed dwelling is hidden from the coastline by the sand dunes.

The amended siting of the dwelling is within an area where vegetation is of poorest quality and sparse therefore minimising the impact on native vegetation. The development is designed to be sympathetic within the landscape and is reasonably modest when considering the size of the land, the locality and it natural features. Additional vegetation is proposed in accordance with the Native Vegetation Management Plan and Significant Environmental Benefit area requirements that will assist the development to blend with the natural features of the landscape as much as possible.

General Section Provisions – Coastal Areas

Provisions seek to protect and enhance the natural coastal environment, including sand dunes and native vegetation. Development should be managed to sustain or enhance the remaining natural coastal environment. Development should also be compatible with the coastal environment in terms of appearance and landscaping.

The proposed development seeks to blend with the coastal environment through the low scale nature of the built form and the use on non-reflective materials and natural earthen tones. As previously mentioned, the proposal includes a Native Vegetation Management Plan which seeks to sustain the natural environment.

The establishment of a Land Management Agreement with associated building guidelines indicate development of a detached dwelling was always envisaged in this locality. The proposal adequately demonstrates the development has considered the coastal environment and seeks to blend within the landscape.

General Section Provisions - Design and Appearance

The design principles of the Yorke Peninsula Council Development Plan seek to foster development which is articulated, having visual interest and elements to reduce the overall bulk and to assist it being sympathetic to the locality and the context of its setting. The external walls and roofs of buildings should not incorporate highly reflective materials.

The proposed dwelling will be clad with rendered brickwork to match Colorbond® Woodland Grey and Colorbond® Jasper roof sheeting. These softer natural colourings are intended to blend in with the landscape and vegetation and assist in lessening the visual impact.

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

General Section Provisions - Energy Efficiency

The development includes windows and living spaces that face north which is favourable for making the most of the winter months and cross ventilation which supports the policies.

General Section Provisions – Hazards

Development should be located and designed to minimise the threat and impact of bushfires on life and property.

The subject land is in a High Bushfire Protection Area and will need to be built according to the specifications of the *Minister's Code – Undertaking Development in Bushfire Protection Areas* and

will form part of the building rules assessment. The report from the Country Fire Service had no objection to the proposed development provided the conditions as recommended are included as part of any consent. Should the proposal be granted approval, these conditions will be included with the conditions of consent.

General Section Provisions - Infrastructure

Rainwater tanks comprising a minimum of 66,000 litres are included in the proposal to provide an adequate on-site water storage system for the development in an area with no water supply as per the policies.

General Section Provisions - Landscaping, Fences and Walls

The objective of this policy is to ensure that locally indigenous plant species are used when landscaping.

The proposal includes a Native Vegetation Management Plan in agreement with the Native Vegetation Council for which the applicant advised they are prepared to accede to a condition of consent that the Management Plan be entered into within three (3) months of occupation of the proposed dwelling. No fences or walls are proposed.

General Section Provisions - Natural Resources

Re-using stormwater, managing pollution and limiting the impact of development on native vegetation form the intent of many of the policies of this section.

The dwelling proposes water catchment to service the dwelling by way of rainwater tanks with overflow directed to a purpose designed agricultural pipe trench adjacent the proposed development site.

General Section Provisions – Orderly and Sustainable Development

Land outside of townships should primarily be used for primary production and conservation purpose. Development should not prejudice the intended purpose of the zone. The intended purpose of the zone in this instance is to conserve the coastal environment and the proposed development through surveillance and ongoing native flora and fauna restoration and preservation seeks to do this.

General Section Provisions - Residential Development

The residential site in this instance has been selected to reduce impacts on existing vegetation. The nature of the locality comprising large allotments and large setbacks between developed sites has meant many of the issues associated with residential development such as overshadowing, overlooking, site coverage etc. are not an issue with the proposed development.

The dwelling has been sited and designed to minimise its impact on the natural and coastal environment. The proposal includes a Native Vegetation Management Plan in agreement with the Native Vegetation Council in consideration of its coastal location.

The design for the dwelling takes into account passive energy design with a northern orientation with the proposed verandah shading in summer and providing access for winter sun into the living areas. The design also provides for cross ventilation thus reducing energy consumption to cool the dwelling in summer and taking advantage of coastal breezes. Vehicle parking is proposed under the main roof with a paved hardstand area adjacent the garage.

General Section Provisions – Sloping Land

Development should minimise impacts on the natural environment, visual impacts and soil stability. Dwellings should be designed to minimise visual impact by reducing the bulk of the building and should seek to minimise the extent of cut and fill.

The proposed dwelling design is low scale and seeks to minimise any disturbance of the dune structure.

General Section Provisions - Siting and Visibility

The policies of this section seek to minimise the visual impact of development on the landscape by encouraging low profiles and roof lines complementing the natural form using materials which will not detract from the visual character and amenity of the landscape. The location and design should also be such that the building is not readily visible against the skyline when viewed from public roads.

While visible from the coast the proposed dwelling seeks to integrate with the existing landscape through the use of a low profile design, natural colours that blend with the existing vegetation.

General Section Provisions – Transportation and Access

Development should have direct access from an all-weather public road as well as be safe and convenient for all vehicles including emergency service vehicles.

The proposed dwelling will be accessed from an existing public road.

General Section Provisions - Waste

Given the non-complying nature of the proposed development an application has not yet been made for a wastewater system. If the application proceeds this will be undertaken in accordance with the policy.

The allotment is of sufficient size to easily accommodate a wastewater management system.

Table YoP/4 – Design Guidelines for Coastal Dwellings

Development in the Coastal Conservation Zone should have *regard* to the design guidelines for coastal dwellings as contained in Table YoP/4. These guidelines generally seek to minimise the impact of development on the coast by guiding site layout, height, form, colours, materials and vegetation management.

As previously discussed the subject land is covered by a Land Management Agreement that also contains building and design guidelines seeking to minimise the impact of development on the natural and coastal environment.

The proposed dwelling is sited in accordance with these guidelines and due to the topography of the site the visual impact upon the coastal area has been minimised wherever possible. The proposal conforms to all other aspects in regard to design.

CONCLUSION

The intent of the policies of the Coastal Conservation Zone is clearly for protection and conservation of coastal features. Development is strongly discouraged unless there appears to be some additional value. The question of this application, is whether a dwelling in this zone will hinder or assist that general aim. The argument in these locations often swings between observing policies which insist that the best way forward is to leave the land untouched with little interference, in the hope that what was always there will continue on in its pristine form at one end and at the other, allowing for a custodian of the land to manage it in such a way that pest plants and animals can be controlled and potential damage from vandals and trespassers on motorised vehicles destroying the dunes being deterred by the on-going presence of a resident.

Either scenario has merit but each also has an outcome which cannot be entirely predicted. A decision either way may result in assisting or hindering the core intent of the zone policies.

It could be argued that the active engagement of the current owner with managing the land, particularly detailed in the Native Vegetation Management Plan in agreement with the Native Vegetation Council (*refer Attachment 11p*), will serve to maintain and enhance the land to retain the condition of the site that may not otherwise be monitored and cared for if it were not for the intervention and management of the owner.

If it is accepted that a dwelling is appropriate on the allotment for the purpose of better managing and maintaining the land i.e. for the purpose of conservation, then the second question is whether the proposed location of the dwelling is appropriate. The applicant has amended the location of the development within the subject land to minimise the impact on existing vegetation whilst ensuring good accessibility. The site has been selected based on the quality of vegetation and the sparse coverage.

The fact that a Land Management Agreement exists over the land, which insists on development principles that include preserving the natural environment and contributing towards it through minimising impacts, should also be considered.

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal on balance satisfies the relevant provisions of the Development Plan, despite its non-complying nature. The proposal is not harmful to the desired character of the zone and is not considered to have a detrimental impact upon the amenity of the adjoining properties in the locality. Accordingly, it is my conclusion that the proposal warrants the granting of Development Plan Consent subject to conditions of consent and the concurrence of the State Commission Assessment Panel

ATTACHMENTS

1. **Application Documents - Brief Statement of Support - LMA**
2. **Certificate of Title**
3. **Resolution to proceed - non-complying assessment - 544/1340/2019**
4. **Statement of Effect - 544/1340/2019**
5. **Proposed Plans (v6)**
6. **Category 3 Public Notice**
7. **Coast Protection Board Referral Response**
8. **Country Fire Service Referral Response**
9. **Native Vegetation Council Informal Referral Response**
10. **Native Vegetation Assessment - Lot 6 Conservation Drive Wauraltee**
11. **Significant Environmental Benefit Management Plan - Lot 6 Conservation Drive Wauraltee**

YORKE PENINSULA COUNCIL

PRINCIPAL OFFICE:
8 Elizabeth Street, Maitland
Telephone (08) 8832 0000
ALL CORRESPONDENCE TO:
PO Box 57, MAITLAND, SA 5573
Fax (08) 88532494
Email: admin@yorke.sa.gov.au
Website: www.yorke.sa.gov.au

16 SEP 2019

What are you applying for? (please tick)

Full Development Approval ☐
(i.e. Council to assess planning and building)

Planning Consent Only ☑
(i.e. using a private certifier for building rules)

DEVELOPMENT APPLICATION FORM

SF014
Responsible Officer: DS
Issue Date: 27 June 2019
Next Review Date: June 2020

APPLICANT'S NAME (in full): PASQUALE RICCA

Postal Address: C/- HEYNEN PLANNING CONSULTANTS, PO BOX 523, KENSINGTON PARK SA 5068

Email:

OWNER'S NAME (in full or write: 'as applicant' or 'as builder'):

Postal Address: ALTEA PTY LTD

Contact No: 23 PHILLIP HIGHWAY

Email: ELIZABETH SA 5112

BUILDER'S NAME (in full or write: 'as applicant' or 'owner builder' or 'to be advised'):

Postal Address: TBA

Licence No.:

LOCATION OF PROPOSED DEVELOPMENT

House No.:

Lot/Section No.: 6 DP 31826

Street: CONSERVATION DRIVE

Town/Suburb: WAUPALTEE

Hundred (if known):

Certificate of Title

Volume: 5414 Folio: 102

CONTACT PERSON FOR FURTHER INFORMATION

Name: GARTH HEYNEN

Telephone: Mobile 0417 848 061 Work 8771 7944 AH

Email: garth@heynenplanning.com.au ☑ Email is my preferred method of contact

EXISTING USE OF SITE/BUILDING: VACANT

DESCRIPTION OF PROPOSED DEVELOPMENT AND INTENDED USE:

DETACHED DWELLING

Area: 282 m²

COST OF DEVELOPMENT [do not include any fit-out costs]: **Cost: $** 200,000 .00

BUILDING RULES CLASSIFICATION SOUGHT: 1 Present classification (if applicable): _____
(refer to building class descriptions overleaf under BUILDING or contact Council for assistance)

DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 2008 APPLY? Y / (N)
(Schedules 21 and 22 relate to defined acts of environmental significance)

HAS THE CONSTRUCTION INDUSTRY TRAINING FUND LEVY BEEN PAID? Y / (N) / NA
(Levy applicable to all development with a development cost more than $40,000)

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 2008.

SIGNATURE: **DATED:** 11/9/19

Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version. *Updated: 25 June 2019*

Government of South Australia

DEVELOPMENT REGULATIONS 2008
Form of Declaration (Schedule 5 clause 2A)

To: YORKE PENINSULA COUNCIL

From: PASQUALE PUCCA

Date of Application: 11 / 9 / 19

Location of Proposed Development:

House No: ____ Lot No: 6 Street: DP 31936 CONSERVATION DRIVE

Town/Suburb: WAURALTEE

Section No (full/part): ____ Hundred: ____

Volume: 5414 Folio: 102

Nature of Proposed Development:

DETACHED DWELLING

I GARTH HEYNE being ~~the applicant~~/ a person acting on behalf of the applicant (delete the inapplicable statement) for the development described above declare that the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. I make this declaration under clause 2A(1) of Schedule 5 of the Development Regulations 2008.

Signed: _____ Date: 11 / 9 / 19

HEYNEN
PLANNING CONSULTANTS

T 08 8271 7944
Suite 15, 198 Greenhill Road
EASTWOOD SA 5063

ABN 54 159 265 022
ACN 159 265 022

10 September 2019

Yorke Peninsula Council
ATT: Planning Department
PO Box 57
MAITLAND SA 5573

To Whom It May Concern:

RE: LOT 6 DP31836 CONSERVATION DRIVE, WAURALTEE

Please find attached the following documents pertaining to the proposed two storey dwelling, balcony and patio, access track and landscaping at Lot 6 DP 31836 Conservation Drive, Wauraltee:

- development application form;
- electricity declaration form;
- Certificate of Title;
- survey data and aerial imagery overlay prepared by Weber Frankiw; and
- planning drawings prepared by Royal GreenHouse (8 sheets) including site plans, section drawings, 3D perspectives, floor plans, landscaping detail and colours and materials (as noted).

I confirm that I have been requested to prepare a Statement of Support (pursuant to Regulation 17(1) of the Development Regulations) in relation to the proposed development.

As a consequence, I confirm that personally viewed the site and locality, reviewed the Development Plan[1], considered the planning drawings, reviewed Dealing 7099183 (Land Management Agreement (LMA) dated 7 May 1991 – also attached for Councils convenience) and noted Court decisions of relevance.

The non-complying status of the proposed development is "triggered" by the following Procedural Matter within the Coastal Conservation Zone:

> Coastal Conservation Zone
> **Non-complying Development**
> Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying:

Form of Development	Exceptions
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).

In this instance neither of the exceptions apply.

[1] 29 November 2018 consolidation

In assessing the proposed development I am cognisant of the matter of *City of Mitcham v Heathhill Nominees Pty Ltd* [2000] SASC 46, which stated in relation to non-complying development that:

> *"... The different procedures do not affect the question as to whether provisional Development Plan Consent should be granted or withheld in a particular case."*

The above decision was reinforced in the matter of *Klein Research Institute Ltd v District Council of Mount Barker & Ors* [2000] EDLR 482 which states:

> 12. *Whilst the proposed development stands to be assessed procedurally as 'non-complying' development (but with restrictions imposed by s35(3) and (4)), the development in other respects stands to be assessed upon its merits as a matter of planning judgement.*

In effect the Court decisions clearly state that a non-complying development may still display substantial planning merit (regardless of the non-complying process to be applied).

The judgements are also particularly relevant noting that the LMA registered on the Certificate of Title includes the following of relevance:

(i) the original Deed (i.e. LMA) operated in respect of 9 allotments created as part of the ("parent") land division application;
(ii) the LMA includes a "building envelope" which is described as the area of land selected as a residential and outbuilding site (i.e. a dwelling was intended by virtue of the LMA (Clause 1.4)); and
(iii) the LMA confirms (Clause 4.1) that all allotments depicted on the plan "shall be used only for residential purposes".

Clearly, the originating land division development envisaged the residential use of the land, subject to various design requirements detailed within the LMA. In this regard, the non-complying status is largely unavoidable given that the LMA envisages the construction of a new dwelling on Lot 6 (as part of the broader nine allotment land division consent).

Brief Statement of Planning Merit

Given that a decision to "resolve to proceed" by Council would necessitate the preparation of a Statement of Effect, the following opinion briefly addresses the key issues of (i) the general appropriateness of the dwelling, (ii) the appearance and character of the land, (iii) the mitigation of external impacts and (iv) flood risk (hazard management).

(i) The General Appropriateness of the Dwelling

The proposed development seeks to construct a two storey dwelling, access track and landscaping on land within the Coastal Conservation Zone. The land has an area of 45.11 ha and in excess of the 1.7 km of frontage to the public road (Conservation Drive).

As previously noted a dwelling on the land is envisaged by way of the LMA, while the 2000 m^2 building envelope is consistent with Clause 1.4 therein. Given that the LMA is a valid and legitimate consideration in the assessment of the development the proposed dwelling is inherently reasonable.

Additionally, the location of the dwelling provides the least impact on the natural landform and vegetation (consistent with Objective 1 of the Coastal Conservation Zone). In particular, the proposed dwelling is positioned (a) close to the public road and (b) so as to avoid the dune system to the west.

In this way the dwelling position is consistent with the following provision (albeit that the dwelling is not a farming related building):

> **Coastal Conservation Zone – Desired Character**
> 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.
>
> (my underlining added)

I note also that the land has limited farming potential (noting again Clause 4.1 of the LMA states that "all allotments… shall only be used for residential purposes").

Given the interplay between the LMA and the Development Plan (noting also the limited impact of the proposed access track) I am of the opinion that the proposed dwelling is generally appropriate.

(ii) The Appearance of the Proposed Building and Character of the Land

The proposed dwelling is low in scale and designed in accordance with the LMA standards, which in many respects provided an earlier version since repeated in Table YoP/4 – Design Guidelines for Coastal Dwellings, see for example:

- the extensive use of eaves, verandahs and alfresco to articulate the building and create shade around the dwelling to accentuate the visually interesting form;
- the reduced upper floor level area and visual extent of walling by way of the roof design and pitch;
- the selection of colours and materials; and
- the selection of plant species and location of landscaping.

I also note, as illustrated per Figure 1 and Section A-A, the height of the proposed dwelling roof ridgeline is approximately 800 mm lower than the adjacent dunes to the west.

Figure 1: Approximate Location for Proposed Dwelling

In my opinion, the appearance, scale and visibility of the proposed dwelling is consistent with the following Development Plan provision:

> **Coastal Conservation 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.
>
> 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.

(iii) The Mitigation of External Impacts

In terms of further impacts to be considered and resolved, for example wastewater management and stormwater management, I am of the opinion that a decision to resolve to proceed will enable these items to be addressed. Inherently, I am of the view that the nature of the proposed development will not render these items irresolvable.

(iv) Flooding Hazard Management

Preliminary advice was received from the Coast Protection Board of the Department for Environment and Water and Mr Kym Gerner on 24 October 2018 confirmed as follows:

- the dwelling would constitute "scattered development" which is synonymous with "isolated" and "not in a township";
- the CPB would not be supportive of any development within a sand dune;
- in relation to coastal hazards no specific AHD level has been generated for Wauraltee, but the nearby location of Port Rickaby and 3.8 AHD site 4.04 AHD floor level would apply;
- the location of a dwelling on the eastern portion of the site and "behind" the dune system could potentially mitigate the coastal hazard risk (i.e. reduce the obligation in relation to raising site levels and finished floor levels); and
- the extent of sand dune drift hazard is unclear, but this would be considered during the formal Schedule 8 referral.

It was also noted that the CPB would not consider on site waste water management, but it would stress to the Council the importance of a compliant on site waste water treatment system.

In principle it appears that the hazard associated with flooding is addressed by the location of the proposed dwelling. That said, a decision to resolve to proceed would enable the Schedule 8 referral to be undertaken allowing for further consideration of the relevant Development Plan provisions.

Conclusion

Having considered the development it is evident that the non-complying trigger does not create a "domino effect" whereby other departures from the Development Plan are created. Rather, this brief assessment of the proposed development against the "package" of relevant Development Plan provisions reveals that the dwelling is appropriate having regard to:

1. The location of the proposed building;
2. The protection of mature vegetation;
3. The avoidance of impacts on views from scenic locations;
4. The low and compatible scale of the building;
5. The shortness of the permeable access track;
6. The design and articulation of the building;
7. The preservation of the amenity of the locality;
8. The likely mitigation of flooding hazard; and
9. The appropriateness of the use given the clear expression of the LMA.

In my opinion, a decision to "resolve to proceed" with a full assessment is warranted.

Yours faithfully

Garth Heynen, MPIA
BA Planning, Grad Dip Regional & Urban Planning, Grad Dip Property

cc. Mr P Rocca, by email

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1886

VOLUME 5414 FOLIO 102

Edition 1
Date Of Issue 21/04/1997
Authority CONVERTED TITLE

South Australia

I certify that the registered proprietor is the proprietor of an estate in fee simple (or such other estate or interest as is set forth) in the land within described subject to such encumbrances, liens or other interests set forth in the schedule of endorsements.

REGISTRAR-GENERAL

WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT CERTIFICATE

REGISTERED PROPRIETOR IN FEE SIMPLE

ALTEA PTY. LTD. OF 23 PHILLIP HIGHWAY ELIZABETH SA 5112

DESCRIPTION OF LAND

ALLOTMENT 6 DEPOSITED PLAN 31836
IN THE AREA NAMED WAURALTEE
HUNDRED OF WAURALTEE

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

7099183 AGREEMENT UNDER PLANNING ACT, 1982 PURSUANT TO SECTION 61(2) FOR DEVELOPMENT PRESERVATION AND CONSERVATION

PAGE 1 OF 2

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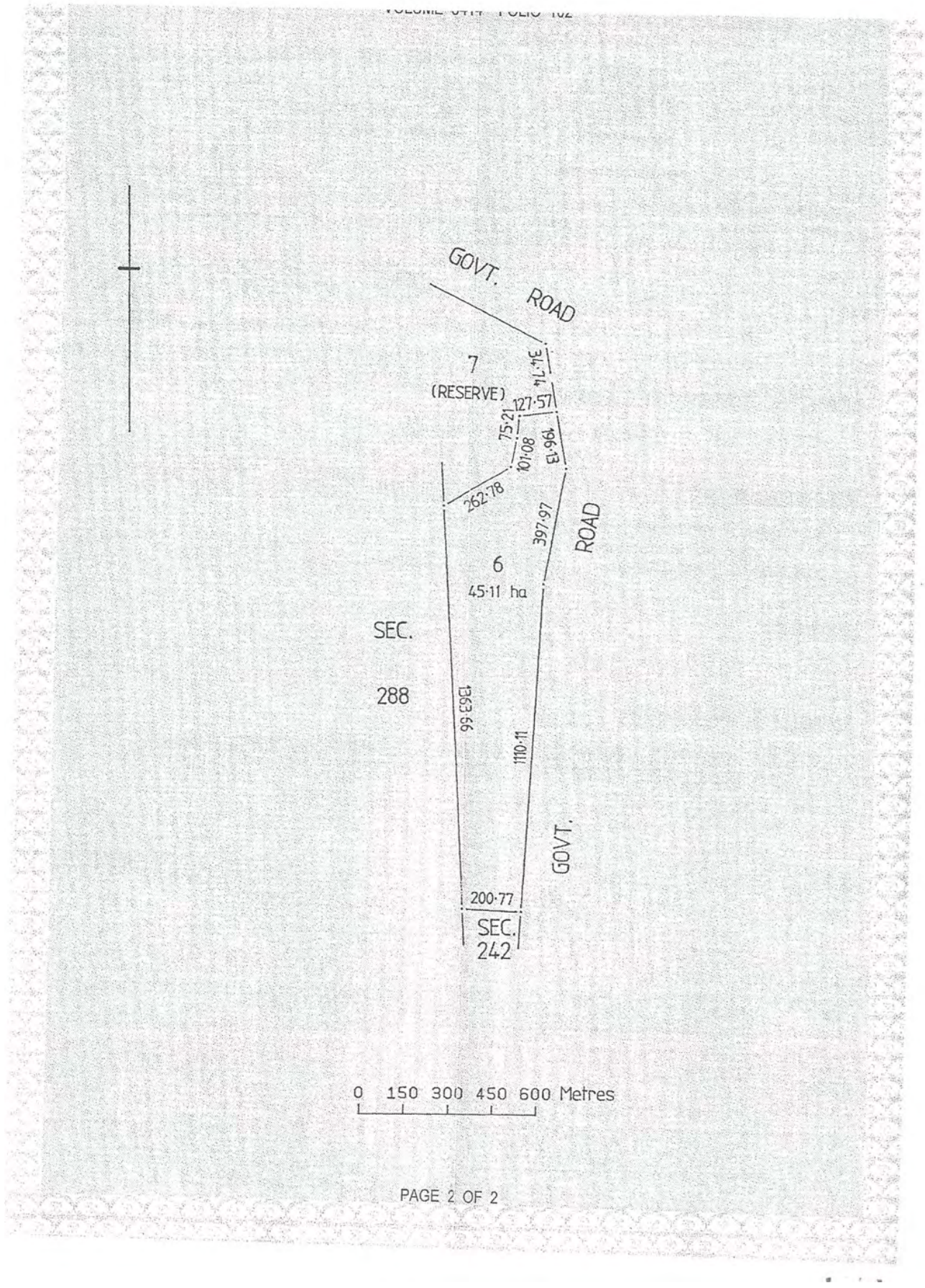
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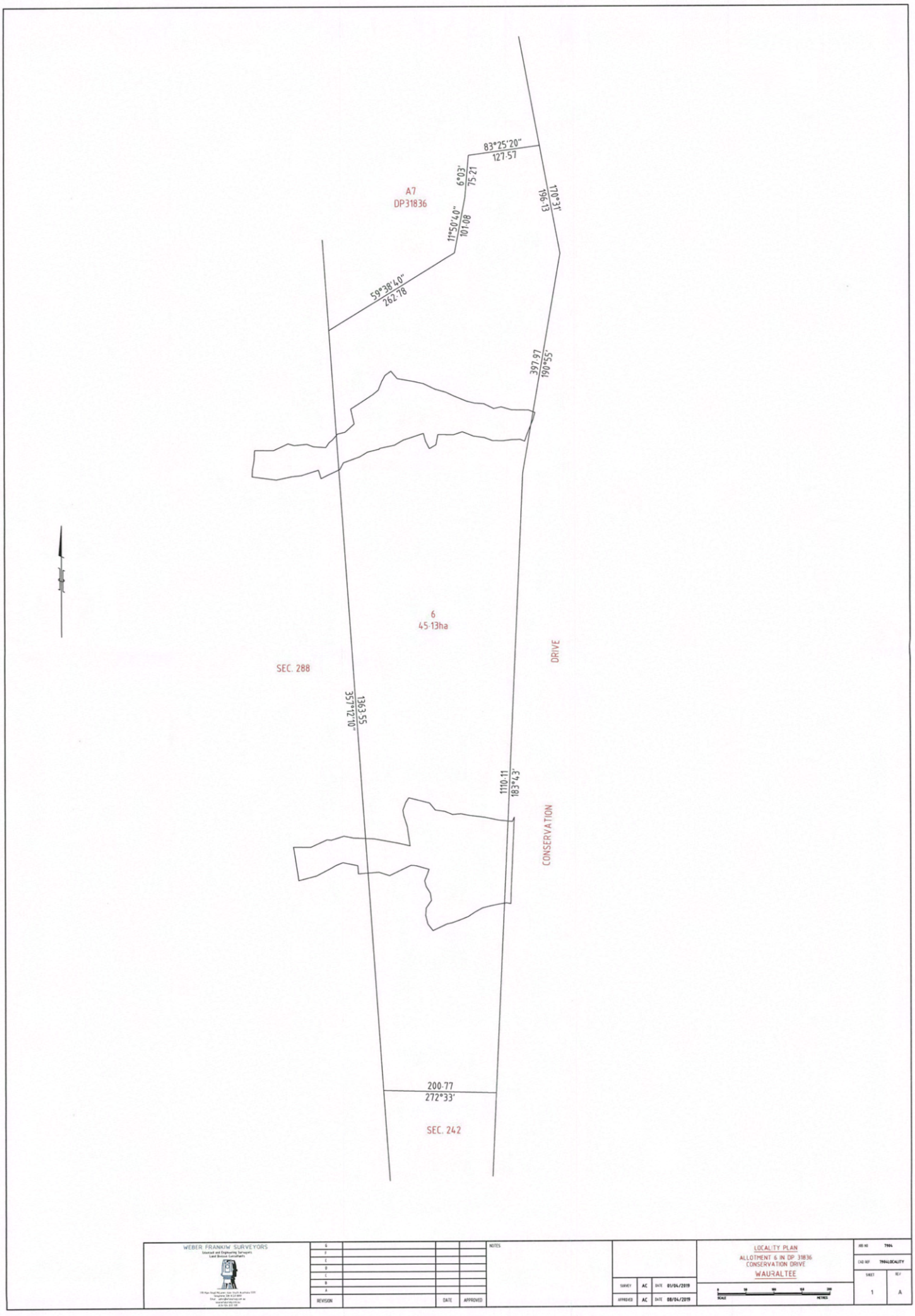
PAGE 2 OF 2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SEC. 288
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183°43'
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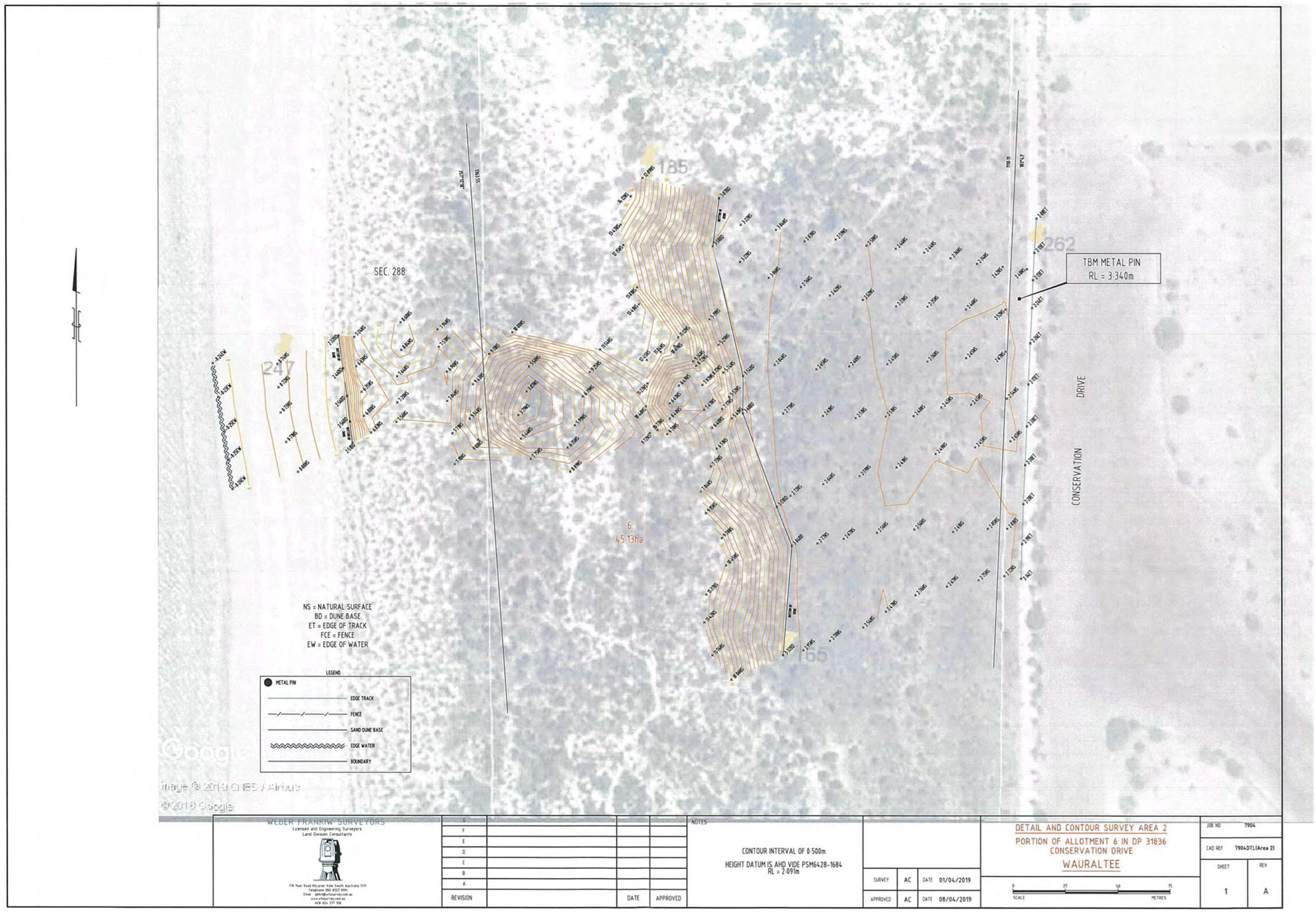
272°33'
SEC. 242
WEBER FRANKIW SURVEYORS
REVISION
DATE
APPROVED
NOTES
SURVEY AC DATE 01/04/2019
APPROVED AC DATE 08/04/2019
LOCALITY PLAN
ALLOTMENT 6 IN DP 31836
CONSERVATION DRIVE
WAURALTEE
SCALE
METRES
JOB NO 7904
CAD REF 7904LOCALITY
SHEET 1
REV A



WEBER FRANKIW SURVEYORS
Licensed and Engineering Surveyors
Land Division Consultants
174 Main Road McLaren Vale South Australia 5171
Telephone (08) 8323 9991
Email admin@wfsurvey.com.au
www.wfsurvey.com.au
ACN 604 277 156

REVISION		DATE	APPROVED
G			
F			
E			
D			
C			
B			
A			

NOTES

CONTOUR INTERVAL OF 0·500m
HEIGHT DATUM IS AHD VIDE PSM6428-1684
RL = 2·091m

SURVEY	AC	DATE 01/04/2019
APPROVED	AC	DATE 08/04/2019

DETAIL AND CONTOUR SURVEY AREA 2
PORTION OF ALLOTMENT 6 IN DP 31836
CONSERVATION DRIVE
WAURALTEE

SCALE 0 25 50 75 METRES

JOB NO	7904	
CAD REF	7904DTL(Area 2)	
SHEET	1	REV A

INPUT

PREFIX A G

7099183

2 SERIES NO.
TO BE COMPLETED BY AGENT

DOCUMENTS ARE LINKED

07MAY1991 01012105&L.T.O.

BELOW THIS LINE FOR OFFICE USE ONLY

EXAMINATION

CORRECTION		PASSED
O.D.R. No.		EXAMINER TO INITIAL
REFERRED	RETURNED	

BS 12/7

REGISTERED ON 2.7.1991 AT 11:00
BY ENTRY OF A MEMORIAL OF THIS INSTRUMENT IN THE REGISTER BOOK. VOL.'s + FOLIO s
As Within

REGISTRAR-GENERAL

ITEM(S) DELIVERED—POSTED
IN ACCORDANCE WITH DELIVERY INSTRUCTIONS

ITEM	AGENT/RGO BOX No	DELIVERY DATE	*POSTAGE DATE	INITIALS
1				
2				
3				
4				
5				

*FILL OUT POSTAGE DATE ONLY IF ITEMS ARE RETURNED BY CERTIFIED MAIL

SPSA C3747

REGISTRAR-GENERAL'S OFFICE
SOUTH AUSTRALIA

FORM APPROVED BY THE REGISTRAR-GENERAL

CERTIFIED CORRECT FOR THE PURPOSES OF THE REAL PROPERTY ACT, 1886

(SIGNED) Doyle
Solicitor/Licensed Land Broker
J.DOYLE

7 MAY 1991	TIME	12:15
FEES		$
R.G.O.		24
POSTAGE		
ADVERTISING		
NEW C.T. TO ISSUE		

OFFICE NOTES:

P/11 T 7078880 13/5

BELOW THIS LINE FOR AGENT USE ONLY

Lodged by:
Address: PAUL EDWARDS (PJE1)
100 Carrington Street
Adelaide.
Correction to

TITLES, CROWN LEASES, DECLARATIONS ETC. LODGED WITH THIS INSTRUMENT (TO BE FILLED IN BY PERSON LODGING)

1. ..... Received
2. ..... items
3. ..... No.
4. .....
5. ..... Assessor

PLEASE ISSUE NEW CERTIFICATES OF TITLE AS FOLLOWS

1. .....
2. .....
3. .....
4. .....
5. .....

DELIVERY INSTRUCTIONS: PLEASE DELIVER THE FOLLOWING ITEM(S) TO THE UNDERMENTIONED AGENT(S)

ITEM: CT CL REF.	AGENT'S NAME	AGENT/RGO BOX NO.	POSTAL ADDRESS

*FILL OUT POSTAL ADDRESS ONLY IF ITEMS ARE TO BE RETURNED BY CERTIFIED MAIL

AGENT'S INITIALS

FORM B:2

Insert type of document here: APPLICATION TO REGISTER - PLANNING ACT, 1982

LAND MANAGEMENT AGREEMENT

BLANK INSTRUMENT FORM (see footnote)

TO THE REGISTRAR GENERAL

DISTRICT COUNCIL OF CENTRAL YORKE PENINSULA HEREBY AGREES pursuant to the provisions of section 61 (5) of the Planning Act, 1982 for the registration of the attached Deed dated the 28th March 1991 and made between DISTRICT COUNCIL OF CENTRAL YORKE PENINSULA aforesaid as the Council of the one part and PRABANT PTY LTD as the Owner of the other part as a Land Management Agreement pursuant to section 61 (2) of the said Act. The said deed ~~binds allotments 1 6 inclusive in Deposited Plan being~~ binds the Whole of the Land COMPRISED in Land Grant/Volume 4183 Folio 721 ~~together with Sections 241 and 242 in the Hundred of Wauraltee being Portion of the land in Land Grant Volume 4183 Folio 721 and Section 245 in the Hundred of Wauraltee being the Whole of the Land in Land Grant Volume~~ REGISTER BOOKS Volume 4265 Folio 860 and Volume 1990 Folio 11 operates to control the future development preservation & conservation of the said land.

DATED the 7th day of MAY 1991.

The Common Seal of
~~THE~~ DISTRICT COUNCIL OF
CENTRAL YORKE PENINSULA
as hereunto affixed in
the presence of:

.....
Chairman

.....
District Clerk

The Owner HEREBY CONSENTS to the registration of the attached Land Management Deed.

The Common Seal of
PRABANT PTY LTD
was hereunto affixed in
the presence of:

COMMON SEAL
PRABANT
PTY. LTD.
A.C.N. 007 957 182

.....
Director

.....
Secretary

NOTE: This form may be used only when no panel form is suitable.

- 1 -

THIS DEED is made the 28th day of March 1991

BETWEEN: DISTRICT COUNCIL OF CENTRAL YORKE PENINSULA of 8 Elizabeth Street Maitland 5573 (hereinafter referred to as "the Council" of the one part

01322039

AND: PRABANT PTY LTD of 15 Hillside Road Springfield 5062 together with its successors and assigns (hereinafter referred to as "the owner"

COMMISSIONER OF STAMPS
S.A. STAMP DUTY
07/05/91 241245 11:2
$4.00P2
ADJUDGED DULY STAMPED

WHEREAS:

A. The owner is the proprietor of an estate in fee simple in the whole of the Land comprised in Freehold Land Volume 4183 Folio 721 Volume 4265 Folio 860 and Volume 1990 Folio 11 (hereinafter referred to as "the Land")

B. The owner has applied to the Council pursuant to the provisions of the Planning Act, 1982 for the division of the land into nine (9) allotments (hereinafter referred to as "the Application") in accordance with the Plan of Division that accompanied the Application a copy of which is annexed hereto (hereinafter referred to as "the Plan");

C. Pursuant to the provisions of 61(2) of the Planning Act 1982 The Owner and the Council have agreed that the development preservation and conservation of the Land shall be governed by the various provisions of this Indenture at all times in the future;

D. This Deed shall operate in respect of the nine allotments 1 to 9 inclusive depicted in the Plan (hereinafter referred to as "the Subject Land")

NOW THIS DEED WITNESSETH and in consideration of these premises the Owner and the Council agree as follows:

1. In this Deed, unless the contrary intention appears:
   1.1 The term "the Owner" where the Owner is a company includes its successors, assigns and transferees and where the Owner is a person, includes his heirs, executors, administrators and transferees and where the Owner consists of more than one person or company includes all and every two or more of such persons or

companies jointly and each of them severally and their respective successors, assigns, heirs, executors administrators and transferees of the companies or persons being registered or entitled to be registered as the proprietor of an estate in fee simple to the Land subject however to such encumbrances, liens and interests as are registered and notified by Memoranda endorsed on the Title to the Land.

1.2 The term "person" shall include a corporate body.

1.3 The term "the relevant planning authority" means the relevant planning authority as defined in the Planning Act 1982 (as amended).

1.4 The term "Building Envelope" means that area of land selected as a residential and outbuilding site, such building envelope is to be no larger in size than two thousand (2,000) square metres.

1.5 Words importing the singular number or plural number shall include the plural and singular number respectively.

1.6 Words importing the masculine gender only shall include the feminine and neuter genders and vice versa.

1.7 A reference herein to any statute shall include all statutes amending, consolidating or replacing the statute referred to.

2. The Owner and the Council expressly acknowledge and agree that the matters hereinbefore recited are true and correct in every particular and that the same shall be and form part of the provisions of this Deed.

3. The provisions of this Deed shall not operate or take effect unless and until the Plan of Division relevant to the Application has been deposited in the Lands Titles Registration Office by the Registrar General pursuant to the provisions of the Real Property Act 1886 (as amended)

4. The Subject Land is subject to planning policies of conservation, preservation and enhancement of scenically attractive areas including the conservation of flora and fauna in the subject Land. The owner shall not conduct or permit any activity to be conducted upon the subject Land or any part thereof which is inconsistent with these policies.

4.1 All allotments depicted on the plan shall be used only for residential purposes. The Owner shall not permit any activity to be conducted upon the subject Land or any part thereof if such activity is of a commercial or industrial nature, nor shall the Owner pursue an application to the relevant Planning Authority for consent to develop an industrial or commercial activity on the subject Land.

5. The Subject Land is not to be divided except in strict accordance with the Plan and the allotments so created are not to be further divided.

6. Any development upon each allotment depicted in the Plan shall be restricted to a single detached residential dwelling of a floor area of not less than 72 square metres and one outbuilding not exceeding 90 square metres floor area and no higher than 6m to the top of walls.

7 The Owner shall not make or pursue any Application in the relevant planning authority for consent to construct any building or structure of any nature whatsoever upon the Subject Land unless and until the Council has consented in writing to the design, construction and siting thereof and to the types of plants, shrubs and trees to be planted within the Building Envelope surrounding the same.

8. 8.1 The design and siting of any structure or building is to be built to accord with the Point Yorke Building and Design Guide attached and forming part of this agreement marked "ANNEXURE A".

8.2 The design, siting and construction of any proposed building shall conform with the provisions of the Building Act 1982 (as amended), Health Act, Planning Act 1982 (as amended) and shall be approved by the Council or their delegate.

8.3 The external materials of a building (including a fence, when a solid fence is essential), shall have surfaces which are of a low light reflective nature. The use of unpainted galvanised iron or other unpainted metal material is prohibited in the construction of any building, including fencing.

8.4 The external materials of a building, including a solid fence, if such is essential, shall be of natural colours, such as cream, fawn, brown and green so as to be unobtrusive, blend with a natural rural landscape and minimise any visual intrusion.

8.5 All dwellings and extensions to dwellings shall be built of concrete or clay bricks, brick veneer or alternatively of composite construction that is constructed in a combination of materials, including fibrous cement, timber, masonary and glass provided that the Council may approve alternative materials upon application to the Council if the Council considers the alternative materials have merit.

8.6 Roofing materials shall be of tiles, slate, shingles or colourbond or painted iron. No unpainted galvanised iron roof sheeting shall be used without the prior approval of the Council.

8.7 All buildings are to be constructed on a reinforced concrete slab-on-ground, or a suspended reinforced concrete slab, or in a manner by which any timber floor above a space is fully enclosed and totally spark proof. Supporting columns stumps or walls which are not similarly enclosed are to be constructed of non-flammable material.

8.8 The owner shall not make or pursue any application to the relevant Planning Authority for consent to construct any buildings or structure form second hand materials unless and until the Council has consented in writing to the proposed construction, materials, siting and types of plants, shrubs and trees to be planted within the Residential area surrounding the same.

8.9 The owner shall maintain all buildings and structures on the subject land in good order and condition.

8.10 The owner shall ensure that any iron rainwater tanks erected or placed on the subject land are of colourbond iron or similar construction or painted in colours to integrate with any dwelling on the subject land.

9. Any landscaping within the Subject Land is to be in accord with the following principles:

9.1 The native flora and fauna on the Subject Land is to be conserved and preserved and the Owner will not carry on or permit to be carried on any occupation or activity which, in the opinion of the Council, is likely to damage or endanger the native flora.

9.2 Excavation and/or filling in the Building Envelope is to be kept to a minimum so as to preserve the natural form of the Subject Land and the native vegetation and should only be undertaken in order to reduce the visual impact of buildings, including fences and other structures, or in order to construct water storage facilities for use on the Subject Land.

9.3 Excavation and/or filling of land outside the Building Envelope is to be confined to the construction of one (1) vehicular access track from the Public Road and from the Home site to the beach. No such construction work upon the track shall occur without the prior consent in writing of the Council as to the siting, width and method of construction thereof and once given, the conditions set down by Council must be complied with strictly

9.4 The owner shall not cause suffer or permit the keeping or storage of plant, machinery, car bodies or other equipment of a like nature in the open or scattered on and across the subject land.

10. The Owner shall not conduct or permit any activity to be conducted upon the Subject Land or any part thereof which would contravene the Native Vegetation Management Act, 1985 (as amended) and the Owner shall at his cost and expense in all things perform and fulfil or cause to be performed and fulfilled all the duties and obligations with regard to the Subject Land or the use thereof imposed by any statute affecting the Subject Land or the occupation or condition or use thereof for the time being in force in the State of South Australia including and without limiting the generality hereof the Native Vegetation Management Act, 1985 and the Country Fires Act, 1976 and the Owner shall carry out properly and efficiently the proper requirements from time to time lawfully imposed pursuant to any such Act and/or code.

11. The Owner shall obtain the written consent of the Council prior to doing or permitting to be done on the Subject Land or any part thereof any one or more of the following acts:

    11.1 the grazing of livestock other than as provided for in the Native Vegetation Management Act, 1985;

    11.2 the storage of fuel;

    11.3 the dumping of rubbish;

    11.4 the carrying out of any scientific research;

    11.5 the planting of any crops or vegetation, whether native or exotic other than as permitted in any consent given by the Council pursuant to Clause 7 hereof.

12. The Owner shall maintain all fencing erected from time to time upon the Subject Land in good order and condition and in accord with the following principles:

    12.1 Fencing on the road boundary shall be of post and wire or similar construction which can be seen through and shall be located in such a way as to minimise the visual effect of the fence on the locality. Solid fences on the road boundary shall not be erected without the prior written approval of the Council.

12.2 No unpainted galvanised iron, zincalume or asbestos materials shall be used for fencing and all fences on the subject land shall be of colours which blend harmoniously with the environment of the subject land.

13. The Council and any employee or agents of the Council authorised by the Council so to do may at any time after giving reasonable notice enter the Subject Land for the purpose of:

13.1 inspecting the Subject Land and any buildings or structures thereon;

13.2 exercising any powers of the Council under this Deed.

14. If the Owner is in breach of any provision of this Deed the Council may, by notice in writing served on the Owner, require the Owner to remedy such breach within such time as shall be nominated by the Council in the notice (being not less than twenty eight (28) days from the date of service of the notice) and if the Owner fails so to remedy such a breach, the Council or its employees or agents may carry out the requirements of the notice and in doing so may perform any necessary works upon the Subject Land and may recover any costs thereby incurred from the Owner as a debt due and owing by the Owner to the Council.

15. If in any notice referred to in paragraph 15 hereof the Council requires the removal of any thing from the Subject which may include but shall not be limited to any building or structure or material of any kind and the Owner fails to remove such thing from the Subject Land according to the requirements of such notice from the Council then and in such case the Council and its employees or agents are hereby authorised and empowered by the Owner to remove the said thing from the Subject Land according to the requirements of such notice from the Council then and in such case the Council and its employees or agents are hereby authorised and empowered by the Owner to remove the said thing from the Subject Land and dispose of it in any manner determined by the Council PROVIDED THAT If any such thing have any monetary value then the council shall use its best endeavours to realise that monetary value and shall after the disposal thereof account to the Owner and pay to him the realised value less all expenses incurred.

16. The Council may delegate any of the Council's powers under this Deed to any person.

17. This Deed may not be varied except by a supplementary Deed in writing signed by the Council and the Owner.

18. This Deed shall be lodged by the Owner for registration by the Registrar-General at the Lands Titles Office pursuant to the provisions of the Real Property Act, 1886 (as amended) at the same time as and immediately in series after the lodgement of the Owner's Application for new Certificates of Title for the allotments depicted in the Plan pursuant to the provisions of the said Act.

19. The Owner shall give notice of this Deed to any intending purchaser of the Subject Land.

20. The Owner shall give notice to the Council of any damage or destruction of any nature whatsoever to native vegetation situated upon the Subject Land.

21. The Council may attach such conditions as are consistent with the provisions of this Deed to the giving of any consent required form Council pursuant to the provisions of this Deed and the Council shall be entitled to with-hold any consent until it is satisfied that the Owner has complied with any conditions which are imposed as express pre-conditions to the giving of such consent.

22. This Deed contains the whole of the agreement with the parties in respect of the matters referred to herein.

23. Notice shall for the purpose of this Deed be properly served on the Owner if it is:

    23.1 posted to the Owner's last address known to the Council or

    23.2 affixed in a prominent position on the Land.

24. The Owner shall bear all costs of the incidental to the negotiation for the preparation, execution, stamping and registration of this Deed and any other fees or charges associated therewith.

25. The requirements of this Deed are at all times to be construed as additional to the requirements of the Planning Act, 1982 (as amended) and any other legislation affecting the Subject Land.

26. Each party shall do and execute all such acts, documents and things as shall be necessary to ensure that this Deed is registered and a memorial thereof entered on all Certificates of Title for the Subject Land pursuant to the provisions of Section 61(5) of the Planning Act, 1982 (as amended) in priority to the other registerable and registered estate and interest in the Subject Land.

The owner hereby certifies pursuant to Section 61(4) of the Planning Act that no other perosn has a legal interest in the land.

The parties have hereunder affixed their seals on the day and year hereinbefore written..

THE COMMON SEAL of THE DISTRICT COUNCIL OF CENTRAL YORKE PENINSULA was hereunto affixed in the presence of:

..... ~~Mayor~~/Chairman

..... Chief Executive Officer

THE COMMON SEAL OF PRABANT PTY LTD was hereunto affixed in the presence of:

..... Director

..... Secretary

COMMON SEAL PRABANT PTY. LTD. A.C.N. 007 957 182

ANNEXURE "A" PAGE 1.

WAURALTEE BEACH BUILDING & DESIGN GUIDE

1. This Design Guide forms part of the Deed between the CENTRAL YORKE PENINSULA DISTRICT COUNCIL and PRABANT PTY LTD being ANNEXURE "A".

2. The Guide has been prepared to help explain the various controls which apply to the development of allotments in the Hundred of Wauraltee.

3. It is not intended to replace relevant contractural documents. Generally the following actions are controlled by the Deed Agreement and require full approval.

   (a) Earthworks, excavation or the removal of sand, earth, rock or other natural material.

   (b) Construction, erection or installation of any building, structure, fence or other external fixture or fitting.

   (c) Painting or staining of the exterior of any building structure, fence or other external fixture.

   (d) The planting of any vegetation on the land and the removal of vegetation on the land other than declared pest plants.

4. No mains water supply is available, thus the provision of rainwater catchment for each allotment will be necessary with a minimum holding capacity of 22,000 litres.

ANNEXURE "A" PAGE 2

PLANS

Plans submitted for approval should include the following information to facilitate prompt processing and approval of applications.

Sketch plans should include the following:

- A site plan showing existing features, allotment boundaries, contours, existing buildings, easements etc.
- The proposed siting of all buildings, other structures and developments.

  Schematic floor plans (minimum scale 1:100) with floor levels relating to site.
- Description of proposed use of all structures.
- A general outline schedule indicating materials and method of construction.
- A native vegetation landscaping plan showing existing and proposed vegetation cover and the details of maintenance of the landscape scheme.

Construction plans should include all material normally submitted for Building Act approval and must include:

- Complete architectural and engineering working drawings and specifications, including floor plans (minimum 1:100 scale), finished floor levels, elevations, sections, details, and a site plan (1:100 scale) showing paving, planting, grassing, underground services, outbuildings and ancillary structures;
- A schedule of Materials specifying the type, colour and/or finish of all roofs, walls, windows, paving, fences etc;
- A schedule of Ancillary Structures specifying the type and nature of sheds, garages, roof and wall mounted air conditioning plant, solar panels, swimming pools, spas and pumping equipment, TV antenna, fuel and water storage tanks, clothes lines etc.

ANNEXURE "A" PAGE 3

SITING

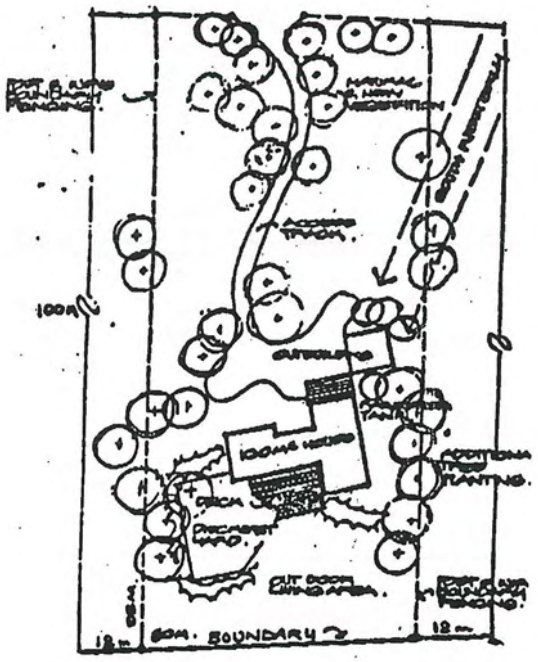
Dwellings should be sited to:

- minimise their visual impact when viewed from the water
- maximise the privacy of neighbours
- minimise disturbance of natural landform and vegetation
- not exceed two storeys in height
- provide essential fencing only

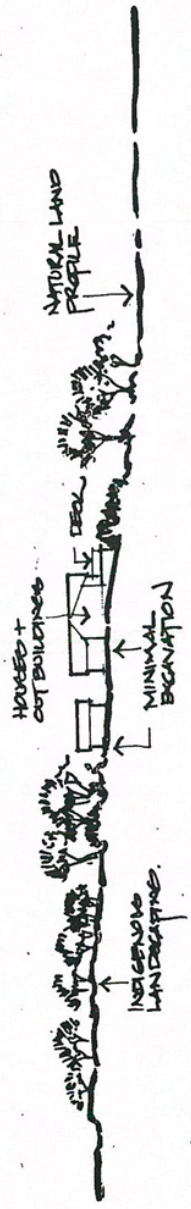
Outbuildings shall be sited to:

- minimise impact on the natural character of the locality
- be concealed with natural ground form or vegetation where possible

- Design and materials should complement the dwelling
- Access tracks should follow the natural contour of the land with minimum impact on local vegetation



ANNEXURE "A" PAGE 4.



ANNEXURE "A" PAGE 5

DESIGN CHARACTER

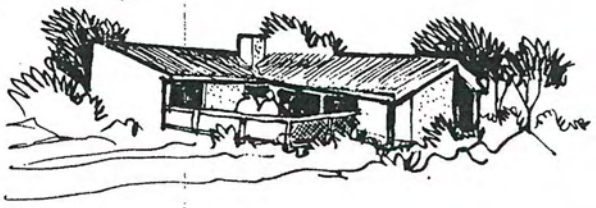
Building forms should be simple, with skillion or pitched roofs. Large rectangular buildings are not desired and should be designed as smaller elements relating to site Large eaves, verandahs and pergolas should be incorporated into the design of a building so as to create shadowed areas which reduce the bulky appearances of the building.

MATERIALS & FINISHES

Materials and finishes should reinforce the rural, seaside location and require low maintenance. Reflective materials shall not be used.

Roofing Options
tiles or colorbond sheeting in tones of grey, fawns and browns

Walling Options
Brick, blockwork, rendered or bagged finishes, weatherboarding, textured cellulose fibre reinforced cement products, log cabin panels all to be in natural fawns, browns or greys.



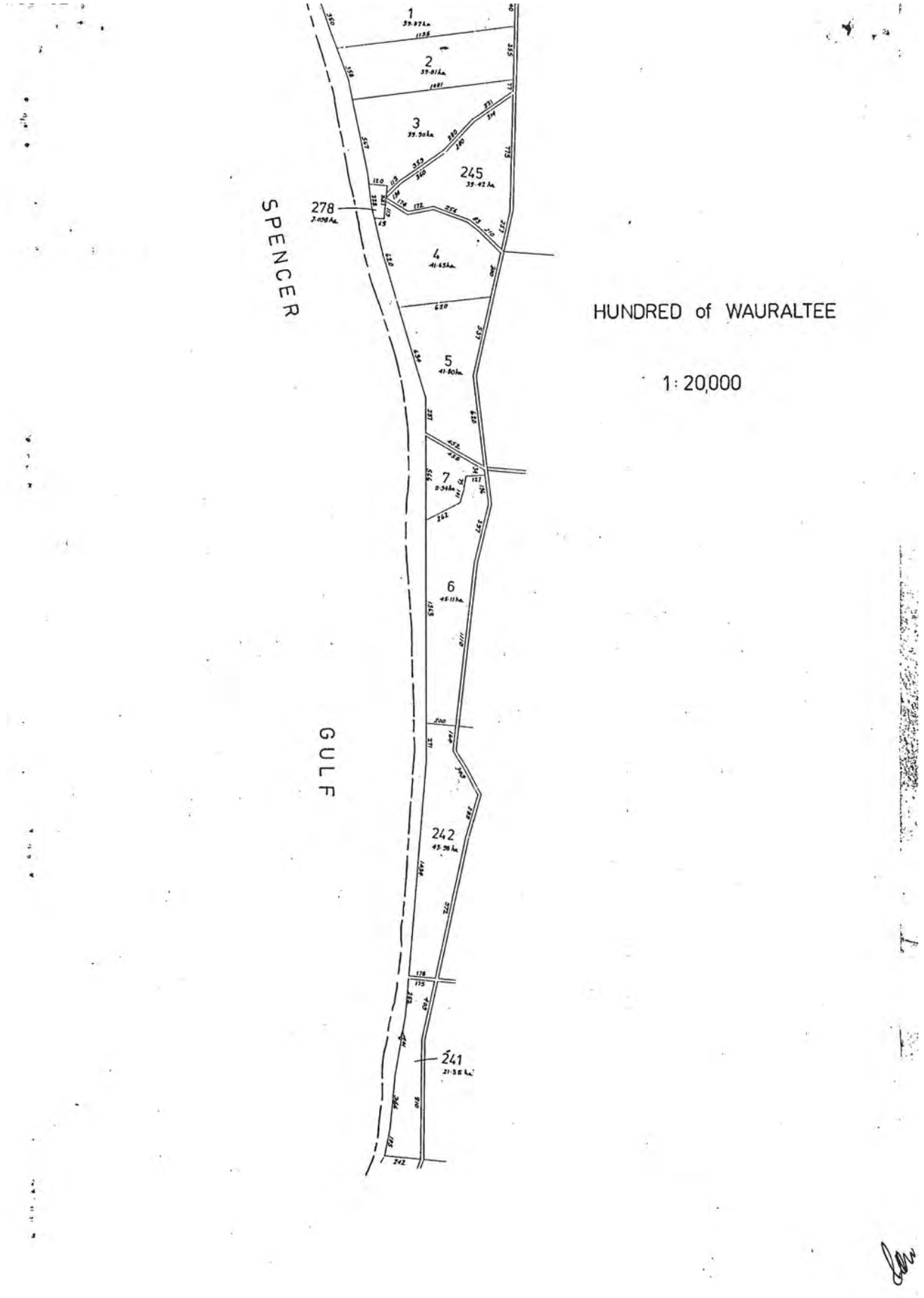
ANNEXURE "A" PAGE 6

ANCILLARY STRUCTURES
AND OUTBUILDINGS

Ancillary structures and outbuildings including sheds, garages, water tanks, oil tanks, aerials, antennae, solar heating panels, external air conditioning plan or ducting, clothes lines, fences, must be approved and therefore be included in application for development approval.

In general such appurtenances should be as unobtrusive as possible. Fencing should be kept to a minimum, and emphasis should be placed towards the use of natural materials or 'see through' types of fencing such as post and wire, or post and rail.

LANDSCAPING	The establishment of additional landscaping is encouraged to provide privacy and minimise the impact of new developments, whilst not creating a fire hazard.
FIRE SAFETY	All buildings shall be spark-proofed in accordance with the Building regulation 16.1a "Buildings in Bushfire prone areas".


SPENCER GULF
HUNDRED of WAURALTEE
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1
2
3
245
278
4
5
7
6
242
241

Paul Edwards

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HEYNEN PLANNING CONSULTANTS STATEMENT OF EFFECT

Location:	Lot 6 DP31836 Conservation Drive WAURALTEE
Applicant:	Pasquale Rocca
Development Description:	Single Storey Detached Dwelling, Earthworks (access track) and Landscaping
Zone:	Coastal Conservation Zone
Planning Authority:	Yorke Peninsula Council
Concurrence Authority:	State Commission Assessment Panel

BACKGROUND: 2
AMENDED PLANNING DRAWINGS: 2
ASSESSMENT APPROACH: 3
THE SITE AND LOCALITY: 4
THE APPLICATION: 5
PLANNING ANALYSIS: 6
ASSESSMENT OF EFFECTS: 14
CONCLUSION: 15
APPENDIX 1 – EXTERNAL COLOUR SELECTIONS: 16
APPENDIX 2 – LOCALITY: 17
APPENDIX 3 – TABLE YOP/4 – DESIGN GUIDELINE EXTRACTS: 18

Garth Heynen, MPIA
BA Planning, Grad Dip Regional & Urban Planning, Grad Dip Property
E-mail: garth@heynenplanning.com.au
30 April 2020

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BACKGROUND:

The site, Lot 6 DP31836 Conservation Drive Wauraltee comprises 45.11 hectares and is generally rectangular in shape (taller than it is wide) with a frontage to Conservation Drive of 1704.21 m to the east, and boundaries of 1363.33 m to the west, 200.77 m to the south and an irregular boundary totalling 566.64 m to the north. The land is currently vacant.

The non-complying status of the application is triggered by the following provision contained within the Coastal Conservation Zone:[1]

Procedural Matters - Non-complying Development
Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying

Form of development	Exceptions
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).

In this instance neither of the exceptions apply.

Subsequent to the supply of a brief letter of support, the Yorke Peninsula Council confirmed that a decision had been made to "resolve to proceed" with a full assessment of the application.

Accordingly, this Statement of Effect has been prepared pursuant to Regulation 17(5) of the *Development Regulations, 2008*.

AMENDED PLANNING DRAWINGS:

At the time of confirming that Council had resolved to proceed, additional information was also sought in correspondence dated 21 January 2020. As a consequence, the development application has been revised by way of amended planning drawings (7 sheets dated 31/03/20 – provided separately). The primary alteration being the reduction of the two storey dwelling to a single storey dwelling, more specifically to achieve the following:

> A reduction in house height from double storey to single storey to align the house with Table YoP/4 – *Design Guidelines for Coastal Dwellings* as follows:
>
> 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.
>
> 6.2 Two storey dwellings should not be established in the Conservation, Coastal Conservation or Coastal Open Space Zones, other than at Port Julia and the Dipper

In relation to the remaining points in Councils correspondence of 21 January 2020 I note the following:

[1] Notwithstanding that the LMA envisages for a residential land use exclusively on the site

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Council Point	*Council Request Paraphrased*	*Applicant Response*
1	Beach Access	The applicant does not intend to seek access the beach, direct public access is provided to the north of the subject land
2	Provide a current Certificate of Title	Certificate of Title – provided separately
3	Justification or evidence provided for the purposes of the finished floor level to be below the indicated site and building floor levels required in accordance of Table YoP/1 – Coastal Areas: Site/Building Floor levels – requiring a finished floor level of 4.04 AHD	Refer to page 7 of this Statement of Effect
4	Native Vegetation Management Plan required	Landscaping details are provided as per Page 3 of the planning drawings. The applicant seeks to defer consideration of point 4 until after the response from the Native Vegetation Council is received

My opinion on the application is provided below based upon the amended planning drawings (7 sheets) dated 31/03/20.

ASSESSMENT APPROACH:

In assessing the proposed development I am cognisant of the matter of *City of Mitcham v Heathhill Nominees Pty Ltd* [2000] SASC 46, which stated in relation to non-complying development that:

> *"... The different procedures do not affect the question as to whether provisional Development Plan Consent should be granted or withheld in a particular case."*

The above decision was reinforced in the matter of *Klein Research Institute Ltd v District Council of Mount Barker & Ors* [2000] EDLR 482 which states:

> *12. Whilst the proposed development stands to be assessed procedurally as 'non-complying' development (but with restrictions imposed by s35(3) and (4)), the development in other respects stands to be assessed upon its merits as a matter of planning judgement.*

In effect the Court decisions clearly state that a non-complying development may still display substantial planning merit (regardless of the non-complying process to be applied).

The judgements are also particularly informative noting that the LMA registered on the Certificate of Title includes the following of relevance:

(i) the original Deed (i.e. LMA) operated in respect of 9 allotments created as part of the ("parent") land division application;
(ii) the LMA includes a "building envelope" which is described as the area of land selected as a residential and outbuilding site (i.e. a dwelling was intended by virtue of the LMA (Clause 1.4)); and
(iii) the LMA confirms (Clause 4.1) that all allotments depicted on the plan "shall be used only for residential purposes".

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Clearly, the originating land division development envisages the residential use of the land, subject to various design requirements detailed within the LMA. In this regard, the non-complying status is largely unavoidable given that the LMA envisages the construction of a new dwelling on Lot 6 (as part of the broader nine allotment land division consent).

Given that, in a statutory sense, the non-complying status does not import greater or lesser planning merit the development can conceivably still achieve sufficient planning merit to warrant the granting of Development Plan consent.

THE SITE AND LOCALITY:

As previously noted the site has a frontage to Conservation Drive of 1704.21 m to the east, and boundaries of 1363.33 m to the west, 200.77 m to the south and an irregular boundary totalling 566.64 m to the north. The site comprises 45.11 hectares in area.

The site is serviced by Wauraltee Beach Road which is unsealed for the 4.16 kilometres portion that diverts off the intersection of Wauraltee Road, Gordon Road, Nelligan Road and Black Bobs Road.

The site is bound by a very long and narrow portion of land (H131600 S288) to the west which contains remnant dunes and associated vegetation and the beach beyond.

To the east of Conservation Drive farming land appears to be generally used for cropping and to a lesser degree grazing.

To the north of the site is Lot 7, which appears vacant and contains vegetation and dunes while a series of tracks provide access to the beach via Wauraltee Beach Road. Lot 5 is located to the north of Lot 7 and contains a dwelling. To the south further remnant vegetation is observed, while several large clusters of vegetation appear sporadically located amongst cropping land to the east.

The site is undulating in nature with moderately flat land either side of the central "north west" sand dune which provides the distinct dune system which rises in the order of 10 m from the site either side to the east and west.

More, as per the Weber Frankiw Surveyors Detail and Contour Survey, and sheet 2, Revision C 4 of the Royal Green House planning drawings, it is evident that the dwelling, wastewater and water tanks are located on land with a height ranging between 2.2 m AHD and 2.8 m AHD, with the sand dunes immediately to the west ranging in height from 8.6 m AHD to 12.2 m AHD.

Additionally, I note that the site accommodates scattered remnant vegetation in addition to areas which appear to have been cleared previously, with the proposed dwelling located within once of these largely cleared area, see Figure 1.

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Figure 1: Approximate Location for Proposed Dwelling noting the Dunes to the West

The nearest neighbouring dwelling is approximately 1900 m to the north.

The locality (see Appendix 2) experiences a high level of amenity. Elements that contribute to the amenity include:

- the maintenance of remnant vegetation;
- the presence of the sand dune system;
- the open nature of the site and broader locality; and
- the proximity to open farm land, the beach and the ocean.

THE APPLICATION:

This application seeks to construct a detached dwelling. Associated with the new dwelling will be provision of a new on-site wastewater treatment system. I understand that a permit for this system has been separately lodged with Council.

THE PROPOSED DWELLING (AS REVISED 31/03/20):

The proposed single storey dwelling is to be constructed approximately 72 m from the eastern property boundary, 1200 m from the northern boundary, 450 m from the southern side boundary and 190 m from the western boundary.

The dwelling comprises a conventional construction and is to be constructed on a "filled" level of 2.995 AHD, noting the bench level of 2.635 AHD.

The dwelling provides a living area of 177.39 m^2, garage of 36.99 m^2, alfresco of 3.24 m^2, deck of 16.35 m^2, verandah of 19.76 m^2 and porch of 12.92 m^2 (totalling 294.66 m^2 of building).

The external materials of the dwelling include non-reflective earthen tones (see Appendix 1).

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The dwelling incorporates three bedrooms (master with ensuite and walk in robe), a separate bathroom and additional WC, family room, open plan kitchen/dining/living area, and a mud/sand room. Covered car parking is provided via the double garage which also provides a subordinate area for storage.

The external dwelling wall height is 2.74 m at the highest point.

The proposed dwelling is to be serviced by the three 22,000 litre water storage tanks, with one to solely provide water for fire fighting purposes. All are located adjacent the compacted gravel track and turning area.

STORMWATER:

An indicative stormwater layout has been provided which will achieve a gravity fed combination of retention and detention onsite.

LANDSCAPING:

The development proposes to use what appears as a previously cleared portion of the site with coastal plantings specified on sheet 3 of 7 beyond the dwelling. The applicant seeks for the Schedule 8 referral to the Native Vegetation Council to be undertaken prior to finalising or amending the proposed landscaping.

PLANNING ANALYSIS:

I have assessed the development against the relevant provisions of the Yorke Peninsula Council Development Plan (consolidated 29 November 2019) and consider that the application is one which is suitable for the site and the locality and has sufficient planning merit to warrant a decision to grant Development Plan consent, subject to the concurrence of the State Commission Assessment Panel.

Having considered the Development Plan provisions as a package and determined those that are relevant to the proposed dwelling, the assessment of the proposal is best undertaken pursuant to the following topics:

1. Coastal Areas;
2. Design and Appearance;
3. Hazards;
4. Landscaping, Fences and Walls;
5. Orderly and Sustainable Development;
6. Residential Development;
7. Siting and Visibility; and
8. Transportation and Access.

THE DEVELOPMENT PLAN:

Responses to the key Objectives and Principles of Development Control are provided in indented *Italics*. The Statement does not contain all of the relevant provisions of the Development Plan, which for brevity provides a summary the overall policy intent.

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Coastal Areas

The Development Plan guides development within coastal areas as follows:

GENERAL SECTION: COASTAL AREAS
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 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 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.

Preliminary advice was received from the Coast Protection Board (CPB) of the Department for Environment and Water and Mr Kym Gerner on 24 October 2018 confirmed as follows:

- the dwelling would constitute "scattered development" which is synonymous with "isolated" and "not in a township";
- the CPB would not be supportive of any development within a sand dune;
- in relation to coastal hazards no specific AHD level has been generated for Wauraltee, but the nearby location of Port Rickaby and 3.8 AHD site 4.04 AHD floor level would apply;
- the location of a dwelling on the eastern portion of the site and "behind" the dune system could potentially mitigate the coastal hazard risk (i.e. reduce the obligation in relation to raising site levels and finished floor levels); and
- the extent of sand dune drift hazard is unclear, but this would be considered during the formal Schedule 8 referral.

It was also noted that the CPB would not consider on site waste water management, but it would stress to the Council the importance of a compliant on site waste water treatment system.

Further consideration of the levels as proposed during the Schedule 8 referral will enable a detailed assessment to be undertaken to ascertain whether the dunes located to the west of proposed dwelling will provide an appropriate buffer to enable the proposed FFL of 2.995 metres to be deemed as appropriate by the CPB (consistent with the prior advice received).

Noting the consistency of the proposal with the aforementioned Development Plan provisions, it is evident that the proposed development will be able to favourably resolve Objective 1 of the Coastal Conservation Zone (extract provided below).

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

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Design and Appearance

Guidance pertaining to the appearance of land and buildings can initially be distilled into the following provisions.

GENERAL SECTION: COASTAL AREAS
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.

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 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 6 The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties or drivers.

Development will be of single storey construction, of simple form and design, with a low hipped roof in order to reduce the visual impact of buildings. Verandas and alfresco treatments will be used to provide shade and rain protection and to break up the mass of walls.

I note that the Development Plan seeks "compatible" development in terms of built-form, appearance and landscaping. Furthermore, a "high architectural standard" that responds to positive aspects of the "local environment" is sought.

At the same time the Development Plan refers to "single storey construction" of simple form, roof design and verandah treatments to create shade and rain protection.

In the first instance, it is evident that the selected materials and external colours (see Appendix 1) are consistent with the above Development Plan provisions. Furthermore, the conventional roof and simple form of the dwelling and the integral verandah, deck and alfresco each reinforce the design preferences of the Development Plan.

I also note that the building materials and colours serve to create visual interest while maintaining natural colours and non-reflective materials, while the alfresco, deck and verandah each add shadow and a greater sense of depth within the building.

In my opinion, the scale of the development is while the building design, appearance, articulation, building materials, colours, finishes and verandah treatments all achieve a built form which does not detract from the current attributes of the locality.

Further to the consistency of the proposal with the aforementioned Development Plan provisions, it is evident that the proposed development favourably resolves PDC 8 of the Coastal Conservation Zone (extract provided overleaf).

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COASTAL CONSERVATION ZONE:
PDC 8 Development should have regard to the design guidelines contained in *Table YoP/4 - Design Guidelines for Coastal Dwellings*. (Table YoP/4 provided as Appendix 3 for clarity)

Upon review of Appendix 3 it is also the case that the proposed dwelling is consistent with Table YoP/4 Guidelines 1.1, 2.1, 2.5(a), 2.6, 2.9, 2.10, 3.1, 4.1, 4.2, 4.3, 4.4, 5.1, 5.3, 7.2, 7.3, 7.4, 7.6, 8.2(a), 9.1, 9.2, 10.1, 11.2, 11.3, 11.4, 12.1, 12.2, 13.1, 13.2, 16.1, 16.2, 16.3, 16.4 and subject to a response from NVC compliance with 20.1, 20.2, 20.3, 20.4 will be readily achievable.

Having considered the Development Plan, it is apparent however that any new dwelling will require filling of the land and an FFL to accommodate the coastal protection requirements. As a consequence of the generous allotments size and significant boundary setbacks, the increase in FFL will be able to be dealt with via the battering of the land and future low level planting of suitable vegetation.

In summary, I am of the opinion that the dwelling, as proposed, achieves the relevant design guidance offered below (as a consequence of the consistency with Appendix 3) and displays planning merit.

GENERAL SECTION: COASTAL AREAS
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.

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.

Hazards

The following Development Plan provisions relating to sea level risks are relevant to the proposal.

GENERAL SECTION: COASTAL AREAS
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.

As previously noted, Wauraltee is not listed within Table YoP/1 - Coastal Areas: Site/Building Floor Levels and therefore a direct application of PDC's 19 and 20 above cannot be immediately applied. It is anticipated that the Schedule 8 CPB referral will confirm the appropriate FFL for the proposed development in this regard.

Accordingly, the risk of inundation will likely be mitigated (subsequent to the CPB referral) in accordance with Objective 2 below.

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

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Landscaping, Fences and Walls

The following Objectives and Principles of Development Control encourage an enhanced amenity through the provision of landscaping.

GENERAL SECTION: LANDSCAPING, FENCING 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
(d) minimise maintenance and watering requirements
(j) maximise stormwater re-use
(k) complement existing vegetation, including native vegetation

GENERAL SECTION: SITING AND VISIBILITY
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.

Having reviewed the proposal no fencing or retaining is proposed, while the landscaping will be guided by the NVC referral. That said, the neutral impact on existing vegetation and the selected coastal species currently, in my opinion, achieve consistency with the Development Plan.

Orderly and Sustainable Development

The Development Plan encourages orderly and sustainable development, by way of provisions including the following of importance:

COASTAL CONSERVATION ZONE
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.

The Coastal Conservation Zone is a very broad zone within the Development Plan. In contrast, the site incorporates a very specific LMA of which Council is a party to, and applies only to nine allotments created as part of the original division and agreement.

Clearly, the originating land division development envisaged the residential use of the land, subject to various design requirements detailed within the LMA. In this regard, the non-complying status is largely unavoidable given that the LMA envisages the construction of a new dwelling on Lot 6 (as part of the broader nine allotment land division).

In my opinion, the "policy conflict" results in the need to determine the more important planning outcome, for example, whether a dwelling on land that specifically seeks a residential land use (within the LMA) is appropriate versus the Council wide Zone provisions.

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In this circumstance I am mindful of the Supreme Court matter of Town of Gawler v Impact Investment Corporation Pty Ltd *[2007] SASC 356 which states (my underlining added):*

81. In order to determine whether a relevant Planning Authority or the ERD Court is justified in departing from a clearly expressed policy like principle 8, I consider that each of the following matters is relevant:

1. The language of the principle or principles concerned – whether it is direct or contemplates some flexibility in approach;
2. Whether the relevant principle is in conflict with some other applicable planning principle. That is likely to happen only rarely, in which case the more specific principle may displace the more generally expressed principle;
3. The evident purpose and objective of the policy expressed in the principle or principles concerned;
4. The significance of the policy to this particular Development. The clearer the policy in its application to a particular development, the more compelling the reasons for departing from the policy will need to be;
5. Where the policy contemplates possible degrees of compliance, the extent of the Development's compliance with the policy;
6. Consistency of the Development with other objectives and purposes of the Zone;
7. Whether there is something unusual about the Development or the land on which it is to take place which makes the policy inapplicable or inappropriate;
8. Whether other events have happened since the Development Plan was adopted which make the policy redundant, either generally or in respect of this particular development;
9. The probable effect of non-compliance with the policy on the planning objectives of the Zone; and
10. Whether non-compliance with the policy in this case is likely to encourage other noncomplying developments in the Zone.

On review of the Supreme Court guidance a departure from the PDC 3 is reasonable in this instance for the following reasons:

(1) the provision reads as "should" not "shall" or "must"[2]
(2) the provision is in clear conflict with the more specific LMA;
(3) the Statement of Effect highlights the clear compliance with other objectives of the Zone;
(4) the Statement of Effect highlights the lack of any "flow on effect" with other policies;
(5) the LMA applies to only nine allotments which comprise only a negligible fraction of the Coastal Conservation Zone which encapsulates a vast majority of the "perimeter" of the Yorke Peninsula; and
(6) the proposal will not encourage other non-complying development in the general sense as the LMA is very unique and clearly distinguishes the land from the rest of the Council area.

Accordingly, I am of the opinion that a dwelling is a fundamentally appropriate proposal for the site.

[2] *South Australian Housing Trust v Development Assessment Commission and the Corporation of the City of Marion* (1994) EDLR 385

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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.

PDC 1 Development should not prejudice the development of a zone for its intended purpose.
PDC 4 Urban development should form a compact extension to an existing built-up area.

The ability of the proposal to be in accordance with the relevant provisions of the Development Plan will be the ultimate test of orderly and sustainable development. That said, it is apparent that:

- *adjoining land uses will not be prejudiced by the continuation of a residential use; and*
- *the demand on public services and facilities remains unchanged.*

It is also the case that the proposed dwelling is to be serviced by a new wastewater treatment system, ensuring an appropriate waste water outcome is achieved.

In relation to stormwater retention, the supply of 44,000 litres for domestic use for the new dwelling is proposed while the 22,000 litres retention for fire fighting purposes is also desirable. Noting the CFS referral to be undertaken, I advise that the applicant is willing to accede to the CFS requirements which may include vegetation management, access for fire fighting vehicles, and an appropriately sized fuel driven pump.

Accordingly, the Development Plan expectations are met in the respect.

Residential Development

The Development Plan guides appropriate residential development by way of number of provisions pertaining to site coverage (in the qualitative sense), overshadowing, location of car parks, management of visual impact, private open space, site facilities and storage and privacy. For the sake of brevity I have not repeated the Development Plan policies.

Given the single storey design, the area and dimensions of the site and location and design of the proposed dwelling both the quantitative and qualitative provisions of the Development Plan are achieved.

Siting and Visibility

The Development Plan provisions relating to siting and visibility are provided below.

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 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;

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(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.

The visual notability of the dwelling will be minimal as a consequence of the substantial boundary set backs and the suitable selection of external materials and colours which complement the landscape.

Furthermore, the building design incorporates a conventional roof line so as to minimise the visual impact within the landscape.

Importantly, the dwelling will "sit" below the adjacent sand dunes to ensure no visibility from the western side of the sand dunes, beach and water as provided within Sheet 2 of 7, Section A-A.

In my opinion, these circumstances and details will ensure that the amenity and visual character of the "coastal" locality is not diminished.

Transportation and Access

The Development Plan recognises by way of the following provisions the importance of providing safe and convenient access.

GENERAL SECTION: TRANSPORTATION AND ACCESS
PDC 8 Development should provide safe and convenient access for all anticipated modes of transport including cycling, walking, public and community transport, and motor vehicles.
PDC 14 Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.
PDC 23 Development should be provided with safe and convenient access which:
(a) avoids unreasonable interference with the flow of traffic on adjoining roads

The dwelling will use an existing access point, while the traffic generated from the new "single" dwelling will be very low.

The existing entry/exit arrangements, which are currently safe and convenient, will be preserved, while the moderate length of the natural gravel driveway and vehicle turning area and flat topography provides abundant area for car parking and vehicle turning (including fire fighting vehicles).

The development is consistent with the Development Plan in relation to transportation and access.

GENERAL SECTION: TRANSPORTATION AND ACCESS
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*.

The development complies with the Development Plan in this regard.

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ASSESSMENT OF EFFECTS:

The following is provided as a comment on the broader effects of the development.

ENVIRONMENTAL EFFECT:

Further to the provision of this Statement of Effect, and subsequent referrals to both the NVC and CPB, the proposed dwelling will be able to ensure that it does not generate negative environmental effects.

SOCIAL EFFECT:

No detrimental impacts are expected.

ECONOMIC EFFECT:

The most notable economic effect from the development is the creation of employment for building sub-contractors.

CONCLUSION:

Although constituting a non-complying kind of development, the proposal, in my opinion, displays significant consistency with the provisions of the Development Plan and sufficient planning merit to warrant planning consent.

In summary, the proposed dwelling is appropriate having regard to:

1. the location of the dwelling;
2. the design of the dwelling with respect to the materials, finishes and additional shadow and "depth" created by the verandah, alfresco and deck detailing;
3. the appropriateness of the scale of the building and the unobtrusive nature of the dwelling in the context of the surroundings;
4. the maintenance of views to public land (i.e. casual surveillance) and preservation of views from adjoining land;
5. the resolution of hazards associated with coastal sea level rise;
6. the suitable set backs from site boundaries;
7. the suitable landscaping proposed; and
8. the preservation of the amenity of the locality and coastal character.

Having considered the development it is evident that the non-complying trigger does not create a "domino effect" whereby other departures from the Development Plan are created. Rather, this assessment of the proposed development against the "package" of relevant Development Plan confirms that substantial planning merit exists.

I am of the opinion that the above outcomes are consistent with the Development Plan and accordingly the policy expectations for the Coastal Conservation Zone will be achieved, while the requirements of the LMA will also be upheld.

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Accordingly, the proposed development displays substantial planning merit and warrants the granting of Development Plan consent, subject to the concurrence of the State Commission Assessment Panel.

Garth Heynen, MPIA
BA, Grad Dip R&UP, Grad Dip Prop

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APPENDIX 1 – EXTERNAL COLOUR SELECTIONS:

Roof, Gutters, Fascia, Water Tanks and Panel Doors

Rendered Brickwork

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APPENDIX 2 – LOCALITY:

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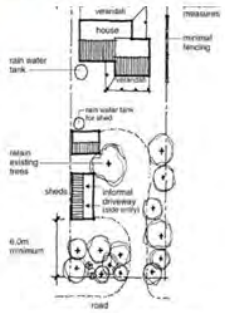
APPENDIX 3 – TABLE YOP/4 – DESIGN GUIDELINE EXTRACTS:

Component / Aspect / Issue	Guidelines for Development
1. **Siting**	1.1 Dwellings should be sited in unobtrusive locations, have a low profile and complement the natural contours of the land.
2. **Site layout**  SITE LAYOUT FOR ALLOTMENTS WITH A DIRECT FRONTAGE TO THE COAST	2.1 Not more than one dwelling should be erected on an allotment. 2.3 Dwellings and outbuildings on sites having a direct frontage to the coast should be: (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) set back no less than 4 metres from the seaward allotment boundary whichever results in the greater setback from the seaward allotment boundary. 2.4 Dwellings and outbuildings on sites having a direct frontage to the coast should be setback no less than: (a) 1 metre from side boundaries (excluding sheds carports, outbuildings and rainwater tanks) (b) 6 metres from the road boundary. 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.
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.

Component / Aspect / Issue	Guidelines for Development
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.

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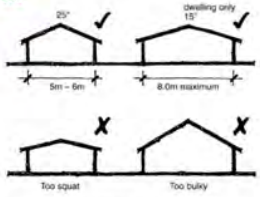
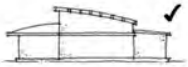
5. **Roofs**



ROOF SPAN AND PITCH



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.

5.4 Curved roofs are appropriate provided they are within the pitch range of 15 degrees to 25 degrees.

6. **Two storey dwellings**

TWO STOREY DWELLINGS

6.1 Two storey dwellings should only be established where:

(a) coastal views would not be unreasonably interrupted by the dwelling

(b) the dwelling would be unobtrusive in the context of its surrounds

(c) the site is greater than 350 square metres.

6.2 Two storey dwellings should not be established in the Conservation, Coastal Conservation or Coastal Open Space Zones, other than at Port Julia and the Dipper.

6.3 Under house storage or garaging, but no other use or activity, may be appropriate for two storey dwellings located at Port Julia and the Dipper, to minimise the risk of inundation from sea level rise.

6.4 The floor area of the second-storey should not exceed 50 per cent of the floor area of the ground floor, other than at Port Julia and the Dipper.

6.5 The frontage of the second storey should not exceed 50 per cent of the frontage of the ground floor, other than at Port Julia and the Dipper.

6.6 The maximum building height to the ridge of the roof is 8 metres.

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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.
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 Zincalume should not be used. 11.4 Tiled or shingle roofing 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. 13.2 Lacework, finials, heritage/federation detailing, quoining etc are inappropriate.

20. Vegetation	20.1 Development should be located to minimise 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 larger shrubs and trees. 20.3 Landscaping should have regard to bushfire management and prevention. 20.4 Appropriate landscaping should be provided for dune stabilisation and to minimise erosion from stormwater runoff.

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Parent Title(s) CT 4386/535

Creating Dealing(s) CONVERTED TITLE

Title Issued 21/04/1997 **Edition** 1 **Edition Issued** 21/04/1997

Estate Type

FEE SIMPLE

Registered Proprietor

ALTEA PTY. LTD. (ACN: 007 900 183)
OF 23 PHILLIP HIGHWAY ELIZABETH SA 5112

Description of Land

ALLOTMENT 6 DEPOSITED PLAN 31836
IN THE AREA NAMED WAURALTEE
HUNDRED OF WAURALTEE

Easements

NIL

Schedule of Dealings

Dealing Number	Description
7099183	AGREEMENT UNDER PLANNING ACT, 1982 PURSUANT TO SECTION 61(2) FOR DEVELOPMENT PRESERVATION AND CONSERVATION

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL

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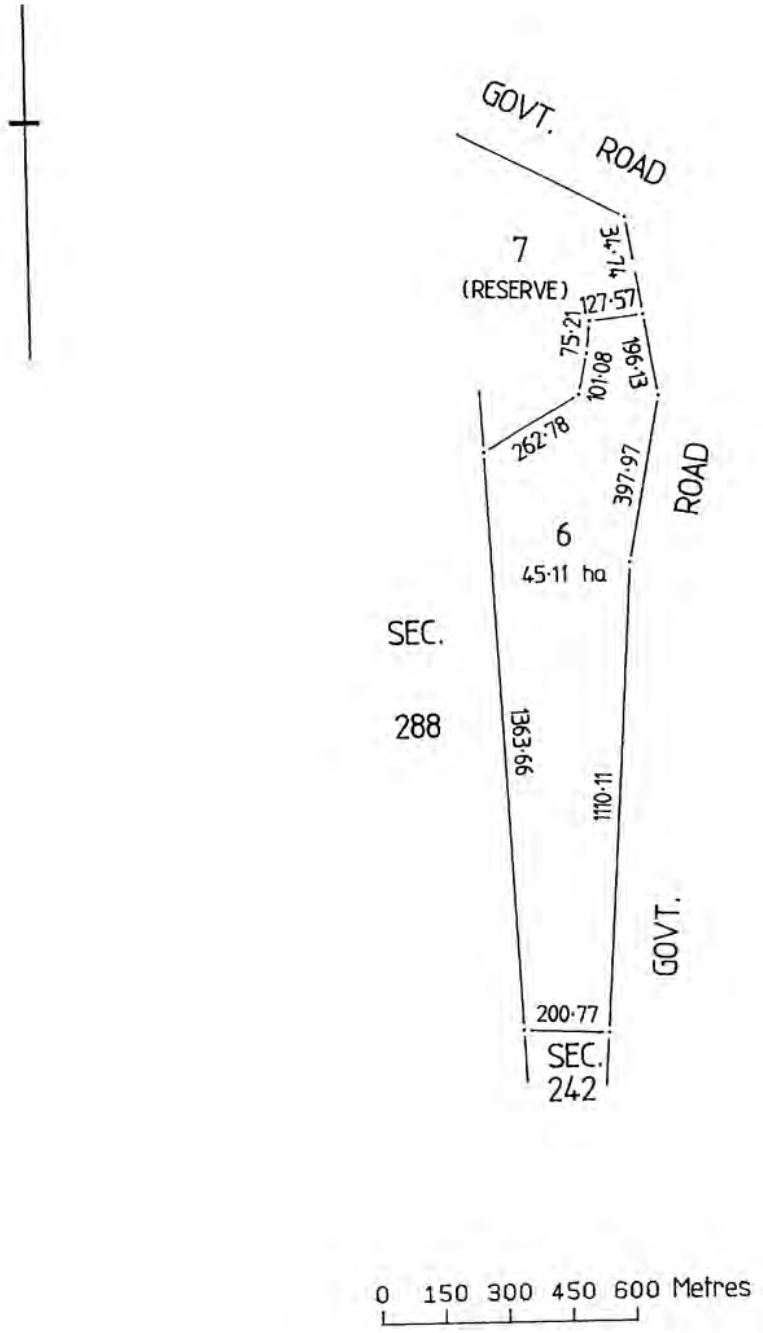

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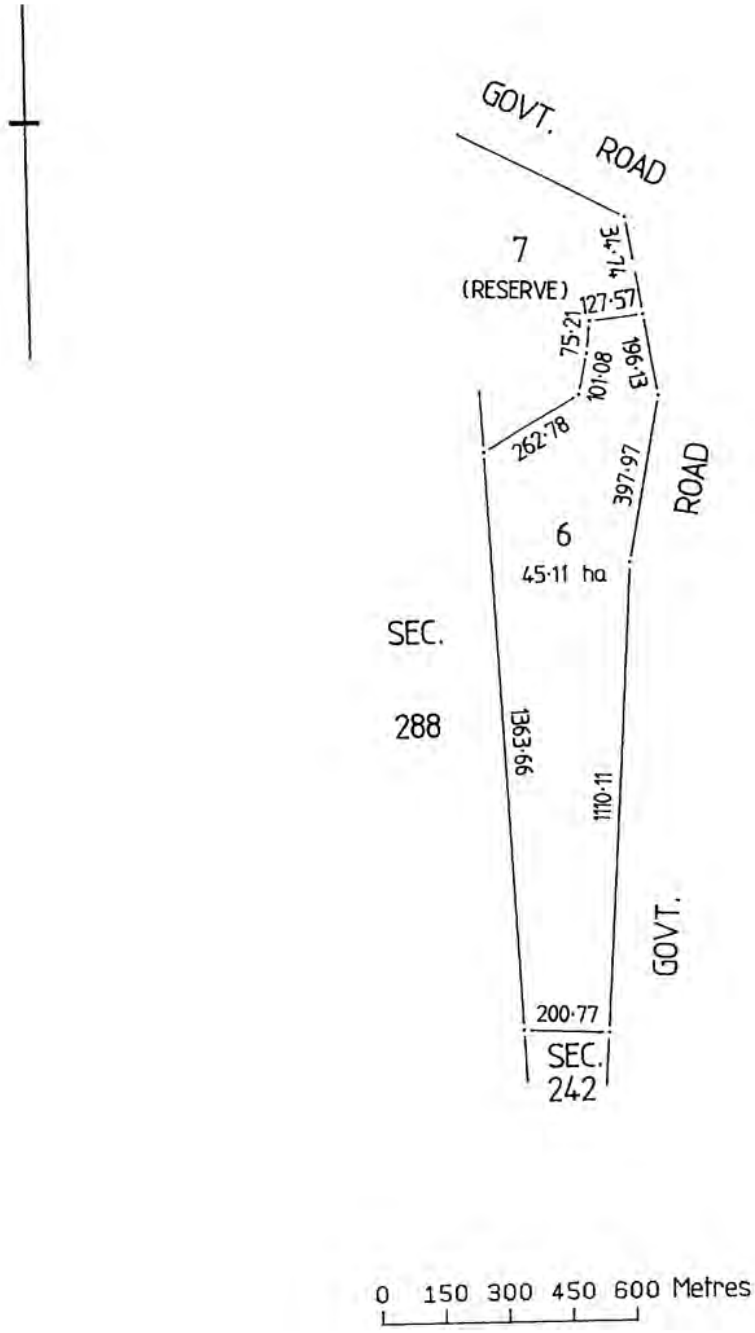

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DELEGATED AUTHORITY REPORT

REPORT TITLE	Two storey detached dwelling, 3 x 22,000L water tanks & associated earthworks (Non-complying) (DA 544/1029/2019)
AUTHOR	Susan Hadley (Planning Officer – Development Services)
ZONE	Coastal Conservation Zone
APPLICANT	Pasquale Rocca C/- Heynen Planning Consultants
LODGEMENT DATE	24 September 2019
LOCATION	(Lot 6) DP 31836 Conservation Drive, Wauraltee
NATURE OF DEVELOPMENT	Two storey detached dwelling, 3 x 22,000L water tanks & associated earthworks (Non-complying)
DEVELOPMENT PLAN VERSION	29 November 2018
PUBLIC NOTIFICATION	Category 3 (Sec 38(2)(c) Development Act 1993)

PURPOSE OF REPORT
To consider whether to proceed with the assessment of a non-complying application for a two storey detached dwelling, 3 x 22,000L water tanks & associated earthworks on land within the Coastal Conservation Zone at (Lot 6) DP 31836 Conservation Drive, Wauraltee.

NATURE OF DEVELOPMENT
The application seeks to construct a two storey detached dwelling, 3 x 22,000L water tanks & associated earthworks on vacant land within the Coastal Conservation Zone comprising an area of 45.11ha with frontage to Conservation Drive.

The proposed development comprises a total floor area of 281.98m² with a dwelling footprint of 207.54m². The total site area covers approx. 2ha plus clearance area for vegetation & access as required by the CFS.

FORM OF DEVELOPMENT
A dwelling in the Coastal Conservation Zone is listed as non-complying development unless it meets the following exceptions:

> 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 land is subject to a Land Management Agreement (LMA), which was implemented as a result of a 1991 land division approval. The LMA envisages the development of a dwelling and associated outbuildings.

Whilst the LMA contemplates future residential development the proposal does not meet any of the above exceptions and therefore constitutes a non-complying form of development.

PUBLIC NOTIFICATION
The application is determined to be a Category 3 form of development as it is a change of use and non-complying in accordance with Procedural Matters for the zone.

Accordingly, the proposal must be assessed as category 3 development in accordance with section 38(2)(c) of the Development Act 1993.

SITE AND LOCALITY
The subject land comprises 45.11ha and is located in the Coastal Conservation Zone at Wauraltee. The subject land is also located within a High Bushfire Risk area. The allotment is bordered by Conservation Drive along the eastern boundary and the coastline along the western boundary.

The allotment is characterized by its coastal location with vegetated sand dunes apart from a narrow bush track within the southern portion of the allotment.

The surrounding locality north and south of the allotment comprise similar allotments comprising modest size detached dwellings whilst the land to the east comprises large farm holdings generally used for cropping.

REFERRAL/CONCURRENCE
The application will require formal referral to both the CFS and CPB & informal referral to the Native Vegetation Council.

The application will require the concurrence of the State Commission Assessment Panel prior to the issuing of any Development Plan Consent.

BRIEF STATEMENT
The applicant has provided a statement of support prepared by Heynen Planning Consultants, which forms part of the application documents. The statement maintains that the development will not create a domino effect whereby other departures from the Development Plan are created.

CONCLUSION
As an Authorised Officer with delegations from Council under Regulation 17(3)(b) of the Development Regulations 2008, I hereby resolve to proceed with the assessment of the non-complying development application against the provisions of Council's Development Plan.

Susan Hadley
Planning Officer – Development Services
Yorke Peninsula Council

544/1340/2019
Rocca C/- Heynen Planning Consultants

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HEYNEN PLANNING CONSULTANTS STATEMENT OF EFFECT

Location:	Lot 6 DP31836 Conservation Drive WAURALTEE
Applicant:	Pasquale Rocca
Development Description:	Single Storey Detached Dwelling, Earthworks (access track) and Landscaping
Zone:	Coastal Conservation Zone
Planning Authority:	Yorke Peninsula Council
Concurrence Authority:	State Commission Assessment Panel

BACKGROUND: 2

AMENDED PLANNING DRAWINGS: 2

ASSESSMENT APPROACH: 3

THE SITE AND LOCALITY: 4

THE APPLICATION: 5

PLANNING ANALYSIS: 6

ASSESSMENT OF EFFECTS: 14

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APPENDIX 2 – LOCALITY: 17

APPENDIX 3 – TABLE YOP/4 – DESIGN GUIDELINE EXTRACTS: 18

Garth Heynen, MPIA
BA Planning, Grad Dip Regional & Urban Planning, Grad Dip Property

E-mail: garth@heynenplanning.com.au

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BACKGROUND:

The site, Lot 6 DP31836 Conservation Drive Wauraltee comprises 45.11 hectares and is generally rectangular in shape (taller than it is wide) with a frontage to Conservation Drive of 1704.21 m to the east, and boundaries of 1363.33 m to the west, 200.77 m to the south and an irregular boundary totalling 566.64 m to the north. The land is currently vacant.

The non-complying status of the application is triggered by the following provision contained within the Coastal Conservation Zone:[1]

Procedural Matters - Non-complying Development
Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying

Form of development	Exceptions
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).

In this instance neither of the exceptions apply.

Subsequent to the supply of a brief letter of support, the Yorke Peninsula Council confirmed that a decision had been made to "resolve to proceed" with a full assessment of the application.

Accordingly, this Statement of Effect has been prepared pursuant to Regulation 17(5) of the *Development Regulations, 2008*.

AMENDED PLANNING DRAWINGS:

At the time of confirming that Council had resolved to proceed, additional information was also sought in correspondence dated 21 January 2020. As a consequence, the development application was revised by way of amended planning drawings (7 sheets dated 31/03/20 – provided separately). The primary alteration being the reduction of the two storey dwelling to a single storey dwelling, more specifically to achieve the following:

A reduction in house height from double storey to single storey to align the house with Table YoP/4 – *Design Guidelines for Coastal Dwellings* as follows:

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.

6.2 Two storey dwellings should not be established in the Conservation, Coastal Conservation or Coastal Open Space Zones, other than at Port Julia and the Dipper

[1] Notwithstanding that the LMA envisages for a residential land use exclusively on the site

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In relation to the remaining points in Councils correspondence of 21 January 2020 I note the following:

Council Point	*Council Request Paraphrased*	*Applicant Response*
1	Beach Access	The applicant does not intend to seek access the beach, direct public access is provided to the north of the subject land
2	Provide a current Certificate of Title	Certificate of Title – provided separately
3	Justification or evidence provided for the purposes of the finished floor level to be below the indicated site and building floor levels required in accordance of Table YoP/1 – Coastal Areas: Site/Building Floor levels – requiring a finished floor level of 4.04 AHD.	Refer to page 7 of this Statement of Effect
4	Native Vegetation Management Plan required	Landscaping details are provided as per Page 3 of the planning drawings. The applicant seeks to defer consideration of point 4 until after the response from the Native Vegetation Council is received

Subsequent to the preparation of the Native Vegetation Management Plan (a further request from Council and the CPB) the planning drawings were amended, dated 8/6/21) so as to relocate the dwelling to an area with lesser impacts on existing vegetation.

My opinion on the application is provided below based upon the amended planning drawings (9 sheets) dated 8/6/21.

ASSESSMENT APPROACH:

In assessing the proposed development I am cognisant of the matter of *City of Mitcham v Heathhill Nominees Pty Ltd* [2000] SASC 46, which stated in relation to non-complying development that:

> *"... The different procedures do not affect the question as to whether provisional Development Plan Consent should be granted or withheld in a particular case."*

The above decision was reinforced in the matter of *Klein Research Institute Ltd v District Council of Mount Barker & Ors* [2000] EDLR 482 which states:

> *12. Whilst the proposed development stands to be assessed procedurally as 'non-complying' development (but with restrictions imposed by s35(3) and (4)), the development in other respects stands to be assessed upon its merits as a matter of planning judgement.*

In effect the Court decisions clearly state that a non-complying development may still display substantial planning merit (regardless of the non-complying process to be applied).

The judgements are also particularly informative noting that the LMA registered on the Certificate of Title includes the following of relevance:

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(i) the original Deed (i.e. LMA) operated in respect of 9 allotments created as part of the ("parent") land division application;
(ii) the LMA includes a "building envelope" which is described as the area of land selected as a residential and outbuilding site (i.e. a dwelling was intended by virtue of the LMA (Clause 1.4)); and
(iii) the LMA confirms (Clause 4.1) that all allotments depicted on the plan "shall be used only for residential purposes".

Clearly, the originating land division development envisages the residential use of the land, subject to various design requirements detailed within the LMA. In this regard, the non-complying status is largely unavoidable given that the LMA envisages the construction of a new dwelling on Lot 6 (as part of the broader nine allotment land division consent).

Given that, in a statutory sense, the non-complying status does not import greater or lesser planning merit the development can conceivably still achieve sufficient planning merit to warrant the granting of Development Plan consent.

THE SITE AND LOCALITY:

As previously noted the site has a frontage to Conservation Drive of 1704.21 m to the east, and boundaries of 1363.33 m to the west, 200.77 m to the south and an irregular boundary totalling 566.64 m to the north. The site comprises 45.11 hectares in area.

The site is serviced by Wauraltee Beach Road which is unsealed for the 4.16 kilometres portion that diverts off the intersection of Wauraltee Road, Gordon Road, Nelligan Road and Black Bobs Road.

The site is bound by a very long and narrow portion of land (H131600 S288) to the west which contains remnant dunes and associated vegetation and the beach beyond.

To the east of Conservation Drive farming land appears to be generally used for cropping and to a lesser degree grazing.

To the north of the site is Lot 7, which appears vacant and contains vegetation and dunes while a series of tracks provide access to the beach via Wauraltee Beach Road. Lot 5 is located to the north of Lot 7 and contains a dwelling. To the south further remnant vegetation is observed, while several large clusters of vegetation appear sporadically located amongst cropping land to the east.

The site is undulating in nature with moderately flat land either side of the central "north west" sand dune which provides the distinct dune system which rises in the order of 10 m from the site either side to the east and west.

As per the Weber Frankiw Surveyors Detail and Contour Survey, and sheet 4, Revision E of the Royal Green House planning drawings, it is evident that the dwelling, wastewater and water tanks are located on land with a height ranging between 2.4 m AHD and 2.8 m AHD, with the secondary sand dunes to the west ranging in height to 5.8 m AHD.

Additionally, I note that the site accommodates scattered remnant vegetation in addition to areas which appear to have been cleared previously, with the proposed dwelling located within one of these largely cleared area, see Figure 1.

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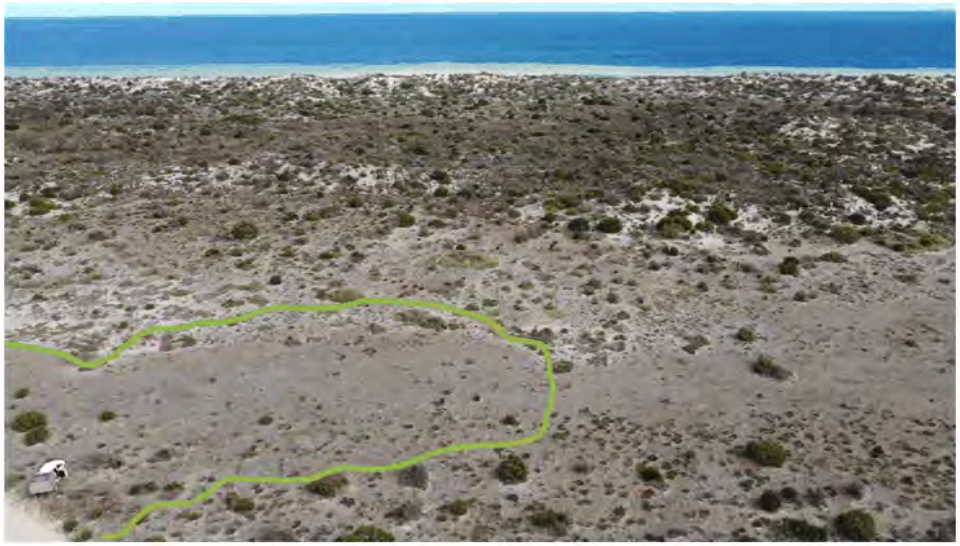

Figure 1: Location for Proposed Dwelling (Source: Ecosphere Ecological Solutions)

The locality (see Appendix 2) experiences a high level of amenity. Elements that contribute to the amenity include:

- the maintenance of remnant vegetation;
- the presence of the sand dune system;
- the open nature of the site and broader locality; and
- the proximity to open farm land, the beach and the ocean.

THE APPLICATION:

This application seeks to construct a detached dwelling. Associated with the new dwelling will be provision of a new on-site wastewater treatment system. I understand that a permit for this system has been separately lodged with Council.

THE PROPOSED DWELLING (AS REVISED 8/6/21):

The proposed single storey dwelling is to be constructed approximately 30 m from the eastern property boundary, 360 m from the northern boundary, 1100 m from the southern side boundary and 270 m from the western boundary.

The dwelling comprises a conventional construction and is to be constructed on a "filled" level of 2.87 AHD, noting the bench level of 2.35 AHD. The levels are created by gentle battered slopes.

The dwelling provides a living area of 177.39 m^2, garage of 36.99 m^2, alfresco of 3.24 m^2, deck of 16.35 m^2, verandah of 19.76 m^2 and porch of 12.92 m^2 (totalling 294.66 m^2 of building).

The external materials of the dwelling include non-reflective earthen tones, for example Colorbond Jasper (roof) and rendered brickwork in Colorbond Woodland Grey (see Appendix 1).

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The dwelling incorporates three bedrooms (master with ensuite and walk in robe), a separate bathroom and additional WC, family room, open plan kitchen/dining/living area, and a mud/sand room. Covered car parking is provided via the double garage which also provides a subordinate area for storage.

The external dwelling wall height is 2.74 m at the highest point.

The proposed dwelling is to be serviced by the three 22,000 litre water storage tanks, with one to solely provide water for fire fighting purposes. All are located adjacent the compacted gravel track and turning area and paved hardstand.

STORMWATER:

An indicative stormwater layout has been provided which will achieve a gravity fed combination of retention and detention onsite.

LANDSCAPING:

The development proposes to use what appears as a previously cleared portion of the site with coastal plantings specified on sheet 5 of 7 beyond the dwelling. The planting schedule on the Royal GreenHouse planning drawings is to be superseded by the Native Vegetation Management Plan (the Management Plan) and SEB area requirements therein (the applicant is willing to accede to a condition of consent that the Management Plan be entered into within 3 months of occupation of the proposed dwelling).

PLANNING ANALYSIS:

I have assessed the development against the relevant provisions of the Yorke Peninsula Council Development Plan (consolidated 29 November 2019) and consider that the application is one which is suitable for the site and the locality and has sufficient planning merit to warrant a decision to grant Development Plan consent, subject to the concurrence of the State Commission Assessment Panel.

Having considered the Development Plan provisions as a package and determined those that are relevant to the proposed dwelling, the assessment of the proposal is best undertaken pursuant to the following topics:

1. Coastal Areas;
2. Design and Appearance;
3. Hazards;
4. Landscaping, Fences and Walls;
5. Orderly and Sustainable Development;
6. Residential Development;
7. Siting and Visibility; and
8. Transportation and Access.

THE DEVELOPMENT PLAN:

Responses to the key Objectives and Principles of Development Control are provided in indented *Italics*. The Statement does not contain all of the relevant provisions of the Development Plan, which for brevity provides a summary the overall policy intent.

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Coastal Areas

The Development Plan guides development within coastal areas as follows:

GENERAL SECTION: COASTAL AREAS
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 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 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.

Preliminary advice was received from the Coast Protection Board (CPB) of the Department for Environment and Water and Mr Kym Gerner on 24 October 2018 confirmed as follows:

- the dwelling would constitute "scattered development" which is synonymous with "isolated" and "not in a township";
- the CPB would not be supportive of any development within a sand dune;
- in relation to coastal hazards no specific AHD level has been generated for Wauraltee, but the nearby location of Port Rickaby and 3.8 AHD site 4.04 AHD floor level would apply;
- the location of a dwelling on the eastern portion of the site and "behind" the dune system could potentially mitigate the coastal hazard risk (i.e. reduce the obligation in relation to raising site levels and finished floor levels); and
- the extent of sand dune drift hazard is unclear, but this would be considered during the formal Schedule 8 referral.

It was also noted that the CPB would not consider on site waste water management, but it would stress to the Council the importance of a compliant on site waste water treatment system.

Further consideration of the levels as proposed during the Schedule 8 referral will enable a detailed assessment to be undertaken to ascertain whether the dunes located to the west of proposed dwelling will provide an appropriate buffer to enable the proposed FFL of 2.87 metres to be deemed as appropriate by the CPB (consistent with the prior advice received).

Noting the consistency of the proposal with the aforementioned Development Plan provisions, it is evident that the proposed development will be able to favourably resolve Objective 1 of the Coastal Conservation Zone (extract provided below).

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

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Design and Appearance

Guidance pertaining to the appearance of land and buildings can initially be distilled into the following provisions.

GENERAL SECTION COASTAL AREAS
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.

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 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 6 The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties or drivers.

Development will be of single storey construction, of simple form and design, with a low hipped roof in order to reduce the visual impact of buildings. Verandas and alfresco treatments will be used to provide shade and rain protection and to break up the mass of walls.

I note that the Development Plan seeks "compatible" development in terms of built-form, appearance and landscaping. Furthermore, a "high architectural standard" that responds to positive aspects of the "local environment" is sought.

At the same time the Development Plan refers to "single storey construction" of simple form, roof design and verandah treatments to create shade and rain protection.

In the first instance, it is evident that the selected materials and external colours (see Appendix 1) are consistent with the above Development Plan provisions. Furthermore, the conventional roof and simple form of the dwelling and the integral verandah, deck and alfresco each reinforce the design preferences of the Development Plan.

I also note that the building materials and colours serve to create visual interest while maintaining natural colours and non-reflective materials, while the alfresco, deck and verandah each add shadow and a greater sense of depth within the building.

In my opinion, the scale of the development is while the building design, appearance, articulation, building materials, colours, finishes and verandah treatments all achieve a built form which does not detract from the current attributes of the locality.

Further to the consistency of the proposal with the aforementioned Development Plan provisions, it is evident that the proposed development favourably resolves PDC 8 of the Coastal Conservation Zone (extract provided overleaf).

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COASTAL CONSERVATION ZONE
PDC 8 Development should have regard to the design guidelines contained in *Table YoP/4 - Design Guidelines for Coastal Dwellings*. (Table YoP/4 provided as Appendix 3 for clarity)

Upon review of Appendix 3 it is also the case that the proposed dwelling is consistent with Table YoP/4 Guidelines 1.1, 2.1, 2.5(a), 2.6, 2.9, 2.10, 3.1, 4.1, 4.2, 4.3, 4.4, 5.1, 5.3, 7.2, 7.3, 7.4, 7.6, 8.2(a), 9.1, 9.2, 10.1, 11.2, 11.3, 11.4, 12.1, 12.2, 13.1, 13.2, 16.1, 16.2, 16.3, 16.4 and subject to a response from NVC compliance with 20.1, 20.2, 20.3, 20.4 will be readily achievable.

Having considered the Development Plan, it is apparent however that any new dwelling will require filling of the land and an FFL to accommodate the coastal protection requirements. As a consequence of the generous allotments size and significant boundary setbacks, the increase in FFL will be able to be dealt with via the battering of the land and future low level planting of suitable vegetation.

In summary, I am of the opinion that the dwelling, as proposed, achieves the relevant design guidance offered below (as a consequence of the consistency with Appendix 3) and displays planning merit.

GENERAL SECTION: COASTAL AREAS
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.

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.

Hazards

The following Development Plan provisions relating to sea level risks are relevant to the proposal.

GENERAL SECTION: COASTAL AREAS
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...

As previously noted, Wauraltee is not listed within Table YoP/1 - Coastal Areas: Site/Building Floor Levels and therefore a direct application of PDC's 19 and 20 above cannot be immediately applied. It is anticipated that the Schedule 8 CPB referral will confirm the appropriate FFL for the proposed development in this regard.

Accordingly, the risk of inundation will likely be mitigated (subsequent to the CPB referral) in accordance with Objective 2 below.

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

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Landscaping, Fences and Walls

The following Objectives and Principles of Development Control encourage an enhanced amenity through the provision of landscaping.

GENERAL SECTION: LANDSCAPING, FENCING 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
(d) minimise maintenance and watering requirements
(j) maximise stormwater re-use
(k) complement existing vegetation, including native vegetation…

GENERAL SECTION: SITING AND VISIBILITY
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.

Having reviewed the proposal no fencing or retaining is proposed, while revegetation and landscape management will be undertaken in accordance with the Management Plan. As a consequence, landscaping will achieve consistency with the Development Plan.

Orderly and Sustainable Development

The Development Plan encourages orderly and sustainable development, by way of provisions including the following of importance:

COASTAL CONSERVATION ZONE:
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.

The Coastal Conservation Zone is a very broad zone within the Development Plan. In contrast, the site incorporates a very specific LMA of which Council is a party to, and applies only to nine allotments created as part of the original division and agreement.

Clearly, the originating land division development envisaged the residential use of the land, subject to various design requirements detailed within the LMA. In this regard, the non-complying status is largely unavoidable given that the LMA envisages the construction of a new dwelling on Lot 6 (as part of the broader nine allotment land division).

In my opinion, the "policy conflict" results in the need to determine the more important planning outcome, for example, whether a dwelling on land that specifically seeks a residential land use (within the LMA) is appropriate versus the Council wide Zone provisions.

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In this circumstance I am mindful of the Supreme Court matter of Town of Gawler v Impact Investment Corporation Pty Ltd *[2007] SASC 356 which states (my underlining added):*

81. In order to determine whether a relevant Planning Authority or the ERD Court is justified in departing from a clearly expressed policy like principle 8, I consider that each of the following matters is relevant:

1. The language of the principle or principles concerned – whether it is direct or contemplates some flexibility in approach;
2. Whether the relevant principle is in conflict with some other applicable planning principle. That is likely to happen only rarely, in which case the more specific principle may displace the more generally expressed principle;
3. The evident purpose and objective of the policy expressed in the principle or principles concerned;
4. The significance of the policy to this particular Development. The clearer the policy in its application to a particular development, the more compelling the reasons for departing from the policy will need to be;
5. Where the policy contemplates possible degrees of compliance, the extent of the Development's compliance with the policy;
6. Consistency of the Development with other objectives and purposes of the Zone;
7. Whether there is something unusual about the Development or the land on which it is to take place which makes the policy inapplicable or inappropriate;
8. Whether other events have happened since the Development Plan was adopted which make the policy redundant, either generally or in respect of this particular development;
9. The probable effect of non-compliance with the policy on the planning objectives of the Zone; and
10. Whether non-compliance with the policy in this case is likely to encourage other noncomplying developments in the Zone.

On review of the Supreme Court guidance a departure from the PDC 3 is reasonable in this instance for the following reasons:

(1) the provision reads as "should" not "shall" or "must"[2]
(2) the provision is in clear conflict with the more specific LMA;
(3) the Statement of Effect highlights the clear compliance with other objectives of the Zone;
(4) the Statement of Effect highlights the lack of any "flow on effect" with other policies;
(5) the LMA applies to only nine allotments which comprise only a negligible fraction of the Coastal Conservation Zone which encapsulates a vast majority of the "perimeter" of the Yorke Peninsula; and
(6) the proposal will not encourage other non-complying development in the general sense as the LMA is very unique and clearly distinguishes the land from the rest of the Council area.

Accordingly, I am of the opinion that a dwelling is a fundamentally appropriate proposal for the site.

[2] *South Australian Housing Trust v Development Assessment Commission and the Corporation of the City of Marion* (1994) EDLR 385

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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.

PDC 1 Development should not prejudice the development of a zone for its intended purpose.
PDC 4 Urban development should form a compact extension to an existing built-up area.

The ability of the proposal to be in accordance with the relevant provisions of the Development Plan will be the ultimate test of orderly and sustainable development. That said, it is apparent that:

- *adjoining land uses will not be prejudiced by the continuation of a residential use;*
- *the demand on public services and facilities remains unchanged; and*
- *significant environment benefit will accrue from the undertakings within the Management Plan.*

It is also the case that the proposed dwelling is to be serviced by a new wastewater treatment system, ensuring an appropriate waste water outcome is achieved.

In relation to stormwater retention, the supply of 44,000 litres for domestic use for the new dwelling is proposed while the 22,000 litres retention for fire fighting purposes is also desirable. Noting the CFS referral to be undertaken, I advise that the applicant is willing to accede to the CFS requirements which may include vegetation management, access for fire fighting vehicles, and an appropriately sized fuel driven pump.

Accordingly, the Development Plan expectations are met in the respect.

Residential Development

The Development Plan guides appropriate residential development by way of number of provisions pertaining to site coverage (in the qualitative sense), overshadowing, location of car parks, management of visual impact, private open space, site facilities and storage and privacy. For the sake of brevity I have not repeated the Development Plan policies.

Given the single storey design, the area and dimensions of the site and location and design of the proposed dwelling both the quantitative and qualitative provisions of the Development Plan are achieved.

Siting and Visibility

The Development Plan provisions relating to siting and visibility are provided below.

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.

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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.

The visual notability of the dwelling will be minimal as a consequence of the substantial boundary set backs and the suitable selection of external materials and colours which complement the landscape.

Furthermore, the building design incorporates a conventional roof line so as to minimise the visual impact within the landscape.

Importantly, the dwelling will "sit" below the adjacent sand dunes to ensure no visibility from the western side of the sand dunes, beach and water as provided within Sheet 4 of 7, Section A-A.

In my opinion, these circumstances and details will ensure that the amenity and visual character of the "coastal" locality is not diminished.

Transportation and Access

The Development Plan recognises by way of the following provisions the importance of providing safe and convenient access.

GENERAL SECTION: TRANSPORTATION AND ACCESS
PDC 8 Development should provide safe and convenient access for all anticipated modes of transport including cycling, walking, public and community transport, and motor vehicles.
PDC 14 Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.
PDC 23 Development should be provided with safe and convenient access which:
(a) avoids unreasonable interference with the flow of traffic on adjoining roads

The dwelling will use an existing access point, while the traffic generated from the new "single" dwelling will be very low.

The existing entry/exit arrangements, which are currently safe and convenient, will be preserved, while the moderate length of the natural gravel driveway and vehicle turning area and flat topography provides abundant area for car parking and vehicle turning (including fire fighting vehicles).

The development is consistent with the Development Plan in relation to transportation and access.

GENERAL SECTION: TRANSPORTATION AND ACCESS
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.*

The development complies with the Development Plan in this regard.

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ASSESSMENT OF EFFECTS:

The following is provided as a comment on the broader effects of the development.

ENVIRONMENTAL EFFECT:

Further to the provision of this Statement of Effect, and subsequent to the referral assessment of both the NVC and CPB, the proposed dwelling does not generate negative environmental effects. Additionally, the Management Plan will substantially improve the environmental value of the subject land.

SOCIAL EFFECT:

No detrimental impacts are expected.

ECONOMIC EFFECT:

The most notable economic effect from the development is the creation of employment for building sub-contractors.

CONCLUSION:

Although constituting a non-complying kind of development, the proposal, in my opinion, displays significant consistency with the provisions of the Development Plan and sufficient planning merit to warrant planning consent.

In summary, the proposed dwelling is appropriate having regard to:

1. the location of the dwelling;
2. the design of the dwelling with respect to the materials, finishes and additional shadow and "depth" created by the verandah, alfresco and deck detailing;
3. the appropriateness of the scale of the building and the unobtrusive nature of the dwelling in the context of the surroundings;
4. the maintenance of views to public land (i.e. casual surveillance) and preservation of views from adjoining land;
5. the resolution of hazards associated with coastal sea level rise;
6. the suitable set backs from site boundaries;
7. the suitable landscaping and landscape management proposed; and
8. the preservation of the amenity of the locality and coastal character.

Having considered the development it is evident that the non-complying trigger does not create a "domino effect" whereby other departures from the Development Plan are created. Rather, this assessment of the proposed development against the "package" of relevant Development Plan confirms that substantial planning merit exists.

I am of the opinion that the above outcomes are consistent with the Development Plan and accordingly the policy expectations for the Coastal Conservation Zone will be achieved, while the requirements of the LMA will also be upheld.

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Accordingly, the proposed development displays substantial planning merit and warrants the granting of Development Plan consent, subject to the concurrence of the State Commission Assessment Panel.

Garth Heynen, MPIA
BA, Grad Dip R&UP, Grad Dip Prop

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APPENDIX 1 – EXTERNAL COLOUR SELECTIONS:

Roof, Gutters, Fascia, Water Tanks and Panel Doors

Rendered Brickwork

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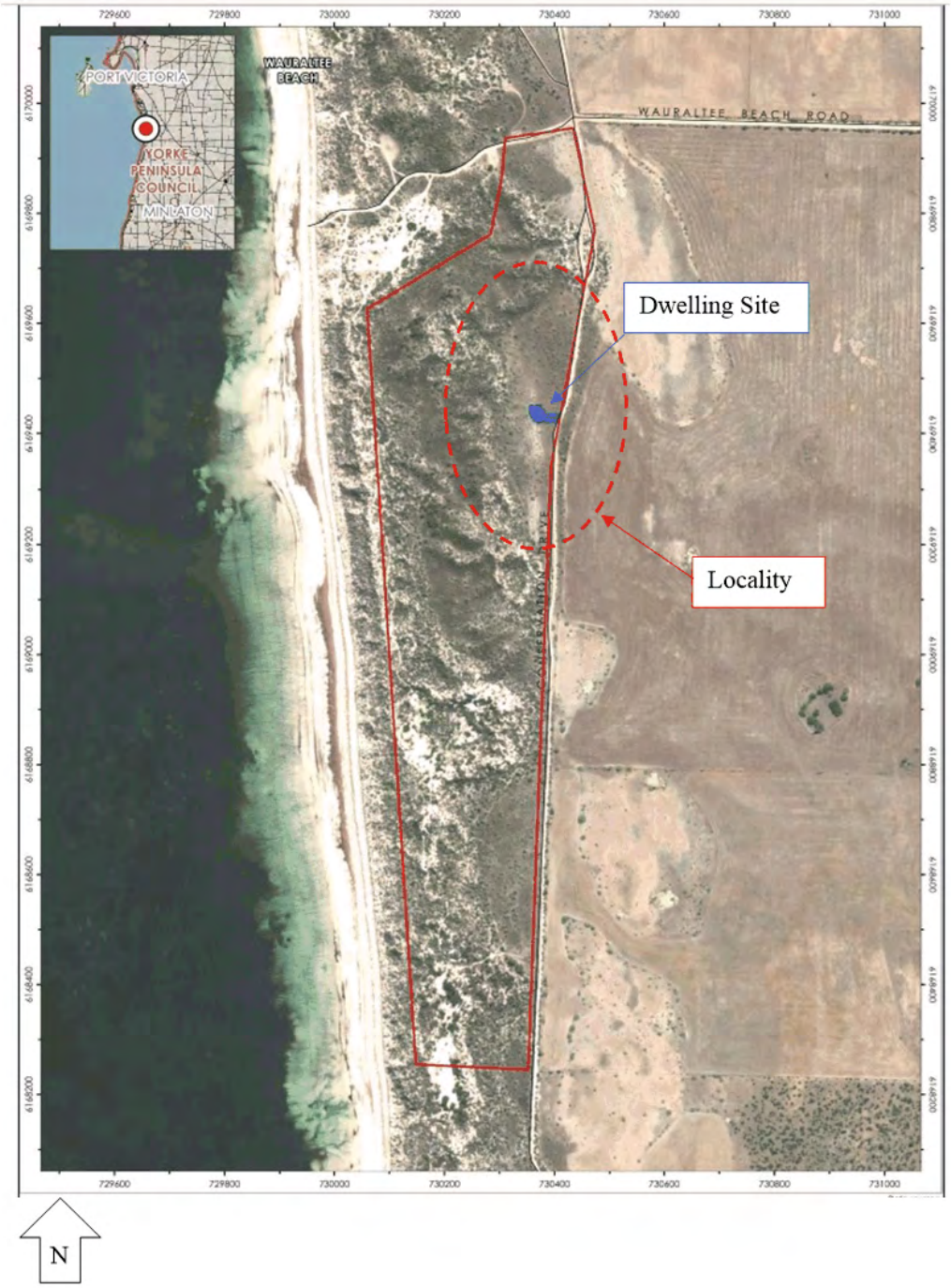
APPENDIX 2 – LOCALITY:



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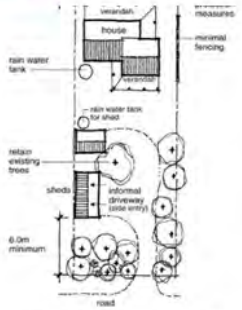
APPENDIX 3 – TABLE YOP/4 – DESIGN GUIDELINE EXTRACTS:

Component / Aspect / Issue	Guidelines for Development
1. **Siting**	1.1 Dwellings should be sited in unobtrusive locations, have a low profile and complement the natural contours of the land.
2. **Site layout**  SITE LAYOUT FOR ALLOTMENTS WITH A DIRECT FRONTAGE TO THE COAST	2.1 Not more than one dwelling should be erected on an allotment. 2.3 Dwellings and outbuildings on sites having a direct frontage to the coast should be: (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) set back no less than 4 metres from the seaward allotment boundary whichever results in the greater setback from the seaward allotment boundary. 2.4 Dwellings and outbuildings on sites having a direct frontage to the coast should be setback no less than: (a) 1 metre from side boundaries (excluding sheds carports, outbuildings and rainwater tanks) (b) 6 metres from the road boundary. 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.
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.

Component / Aspect / Issue	Guidelines for Development
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.

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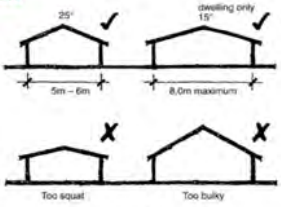
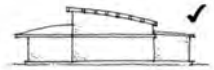
5. Roofs



ROOF SPAN AND PITCH



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.

5.4 Curved roofs are appropriate provided they are within the pitch range of 15 degrees to 25 degrees.

6. Two storey dwellings

TWO STOREY DWELLINGS

6.1 Two storey dwellings should only be established where:

(a) coastal views would not be unreasonably interrupted by the dwelling

(b) the dwelling would be unobtrusive in the context of its surrounds

(c) the site is greater than 350 square metres.

6.2 Two storey dwellings should not be established in the Conservation, Coastal Conservation or Coastal Open Space Zones, other than at Port Julia and the Dipper.

6.3 Under house storage or garaging, but no other use or activity, may be appropriate for two storey dwellings located at Port Julia and the Dipper, to minimise the risk of inundation from sea level rise.

6.4 The floor area of the second-storey should not exceed 50 per cent of the floor area of the ground floor, other than at Port Julia and the Dipper.

6.5 The frontage of the second storey should not exceed 50 per cent of the frontage of the ground floor, other than at Port Julia and the Dipper.

6.6 The maximum building height to the ridge of the roof is 8 metres.

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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.
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 Zincalume should not be used. 11.4 Tiled or shingle roofing 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. 13.2 Lacework, finials, heritage/federation detailing, quoining etc are inappropriate.
20. **Vegetation**	20.1 Development should be located to minimise 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 larger shrubs and trees. 20.3 Landscaping should have regard to bushfire management and prevention. 20.4 Appropriate landscaping should be provided for dune stabilisation and to minimise erosion from stormwater runoff.

BAL 29. STD NOTES

1 : 100

APPLY THE FOLLOWING BUILDING COMPONENTS AS PER 3959-2009 TO THIS SITE

7.2 SUBFLOOR SUPPORTS

THIS STANDARD DOES NOT PROVIDE CONSTRUCTION REQUIREMENTS FOR SUBFLOOR SUPPORT WHERE THE SUBFLOOR SPACE IS ENCLOSED WITH A WALL THAT COMPLIES WITH CLAUSE 8.4, EXCEPT THAT SARKING IS NOT REQUIRED WHERE SPECIFICED IN CLAUSE 8.4.1(b).

WHERE THE SUBFLOOR SPACE IS UNENCLOSED, THE SUPPORT POSTS, COLUMNS, STUMPS, PIERS & POLES SHALL COMPLY WITH CLAUSE 8.2

7.3 FLOORS

7.3.1 CONCRETE SLABS ON GROUND

THIS STANDARD DOES NOT PROVIDE CONSTRUCTION REQUIREMENTS FOR CONCRETE SLABS ON GROUND

7.3.2 ELEVATED FLOORS

7.3.2.1 ENCLOSED SUBFLOORS

THIS STANDARD DOES NOT PROVIDE CONSTRUCTION REQUIREMENTS FOR ELEVATED FLOORS, INCLUDING BEARERS, JOISTS AND FLOORING, WHERE THE SUBFLOOR SPACE IS ENCLOSED WITH A WALL THAT COMPLIES WITH CLAUSE 8.4, EXCEPT THAT SARKING IS NOT REQUIRED WHERE SPECIFIED IN CLAUSE 8.4.1 (b).

7.3.2.2 UNENCLOSED SUBFLOORS SPACES

WHERE THE SUBFLOOR SPACE IS UNENCLOSED REFER TO CLAUSE 8.3.2.2.

7.4 EXTERNAL WALLS

7.4.1. WALLS

EXPOSED COMPONENTS OF AN EXTERNAL WALL SHALL BE NON-COMBUSTIBLE (REFER TO CLAUSE 8.4.1(a) FOR MATERIAL DETAILS)

CLADDING THAT IS FIXED EXTERNALLY TO A TIMBER OR STEEL FRAMED WALL THAT IS SARKED ON THE OUTSIDE OF THE FRAME SHALL COMPLY WITH CLAUSE 8.4.1(b) OR BE A SYSTEM COMPLYING WITH AS 1530.8.1

7.4.2 JOINTS

ALL JOINTS IN THE EXTERNAL SURFACE MATERIAL OF WALLS SHALL BE COVERED, SEALED, OVERLAPPED, BACKED OR BUTT-JOINED TO **PREVENT GAPS GREATER THAN 3mm**

7.4.3 VENTS & WEEPHOLES

SHALL BE SCREENED WITH A MESH WITH A **MAXIMUM APERTURE OF 2mm**, MADE OF CORROSION-RESISTANT STEEL, BRONZE OR ALUMINIUM, EXCEPT WHERE VENTS AND WEEPHOLES HAVE AN **APERTURE OF LESS THAN 3mm** (SEE CLAUSE 3.6).

7.5 EXTERNAL GALZED ELEMENTS & EXTERNAL DOORS

7.5.1 BUSHFIRE SHUTTERS

WHERE FITTED, BUSHFIRE SHUTTERS SHALL COMPLY WITH CLAUSE 3.7 AND BE MADE FROM NON-COMBUSTIBLE MATERIALS

7.5.1A SCREENS FOR WINDOWS & DOORS

WHERE FITTED, SCREENS FOR WINDOWS AND DOORS SHALL HAVE A MESH OR PERFORATED SHEET WITH A **MAXIMUM APERTURE OF 2mm**, MADE OF CORROSION-RESISTANT STEEL, BRONZE OR ALUMINIUM. GAPS BETWEEN THE PERIMETER OF THE SCREEN AND THE BUILDING ELEMENT TO WHICH IT IS FITTED **SHALL NOT EXCEED 3mm**. THE FRAME SUPPORTING THE MESH OR PERFORATED SHEET SHALL BE METAL.

7.5.2 WINDOWS

WINDOW ASSEMBLIES SHALL BE COMPLETELY PROTECTED BY A BUSHFIRE SHUTTER THAT COMPLIES WITH CLAUSE 8.5.1 OR FRAMES AND HARDWARE SHALL BE METAL WITH TOUGHENED GLASS **(MINIMUM 6mm THICKNESS)** AND BE FITTED WITH SCREENS COMPLYING WITH CLAUSE 8.5.1.A. SEALS TO STILES, HEAD AND SILLS OR THRESHOLDS SHALL BE MANUFACTURED FROM MATERIALS HAVING A **FLAMMABILITY INDEX NO GREATER THAN 5** OR FROM SILICONE.

7.5.3 DOORS- SIDE-HUNG EXTERNAL DOORS (INCLUDING FRENCH DOORS, PANEL FOLD AND BI-FOLD DOORS)

DOORS AND DOOR FRAMES SHALL BE PROTECTED BY BUSHFIRE SHUTTERS THAT COMPLY WITH CLAUSE 8.5.1 OR DOORS AND DOOR FRAMES SHALL COMPLY WITH CLAUSE 8.5.3(b).

7.5.4 DOORS- SLIDING DOORS

SLIDING DOORS SHALL BE COMPLETELY PROTECTED BY BUSHFIRE SHUTTERS THAT COMPLY WITH CLAUSE 8.5.1 OR ALL THE FRAMING AND EXTERNALLY FITTED HARDWARE SHALL BE METAL WITH TOUGHENED GLASS PANELS **(MINIMUM 6mm THICKNESS)** THAT ARE FITTED WITH SCREENS THAT COMPLY WITH CLAUSE 8.5. SEALS TO STILES, HEAD AND SILLS OR THRESHOLDS SHALL BE MANUFACTURED FROM MATERIALS HAVING A **FLAMMABILITY INDEX NO GREATER THAN 5** OR FROM SILICONE. SLIDING DOORS SHALL BE TIGHT-FITTING IN THE FRAMES.

7.5.5 DOORS- VEHICLE ACCESS DOORS (GARAGE DOORS)

VEHICLE ACCESS DOORS ARE TO COMPLY WITH CLAUSE 8.5.5

7.6 ROOFS (INCLUDING VERANDAH AND ATTACHED CARPORT ROOFS, PENETRATIONS, EAVES,FASCIAS, GABLES, GUTTERS AND DOWNPIPES)

7.6.1 GENERAL

ALL ROOF COVERINGS SHALL BE NON-COMBUSTIBLE. ROOF/WALL JUNCTIONS SHALL BE SEALED, TO **PREVENT OPENINGS GREATER THAN 3mm**. ROOF VENTILATION OPENINGS, SUCH AS GABLE AND ROOF VENTS, SHALL BE FITTED WITH EMBER GUARDS MADE OF NON-COMBUSTIBLE MATERIAL OR A MESH OR PERFORATED SHEET WITH A **MAXIMUM APPERTURE OF 2mm**, MADE OF CORROSION-RESISTANT STEEL, BRONZE OR. ANY PIPES OR CONDUIT THAT PENETRATES THE ROOF COVERING SHALL BE NON-COMBUSTIBLE.

ROOF-MOUNTED EVAPORATIVE COOLERS ARE EXCLUDED FROM THIS BUSH FIRE ATTACK LEVEL.

7.6.2 TILED ROOFS

TILED ROOFS SHALL BE FULLY SARKED. THE SARKING SHALL BE LOCATED ON TOP OF THE ROOF FRAMING, EXCEPT THAT THE ROOF BATTENS MAY BE FIXED ABOVE THE SARKING. THE ENTIRE ROOF AREA SHALL BE COVERED IN CLUDIG RIDGES AND HIPS AND WILL EXTEND INTO GUTTERS AND VALLEYS.

7.6.3 SHEET ROOFS

SHEET ROOFS SHALL BE FULLY SARKED IN ACCORDANCE WITH CLAUSE 8.6.2 , EXCEPT THAT FOIL-BACKED INSULATION BLANKETS MAY BE INSTALLED OVER THE BATTENS. **ANY GAPS GREATER THAN 3mm** SHALL BE SEALED IN COMPLIANCE WITH CLAUSE 6.6.3(b)

7.6.4 VERANDAH, CARPORT & AWNING ROOFS

REFER TO CLAUSE 8.6.4 (a) & (b) FOR COMPLIANCE REQUIREMENTS

7.6.5 ROOF PENETRATIONS

ROOF PENETRATIONS OF ANY KIND SHALL BE ADEQUATELTY SEALED AT THE ROOF TO **PREVENT GAPS GREATER THAN 3mm** AND SEALANT MATERIALS MUST BE NON-COMBUSTIBLE.

OPENINGS MUST BE FITTED WITH EMBER GUARDS MADE FROM MESH OR PERFORATED SHEET WITH A **MAXIMUM APERTURE OF 2mm**, MADE OF CORROSION-RESISTANT STEEL, BRONZE OR ALUMINIUM.

ALL OVERHEAD GLAZING SHALL BE GRADE A .SAFETY GLASS COMPLYING WITH AS 1288.

GLAZED ELEMENTS MAY BE POLYMER, PROVIDED A GRADE A SAFETY GLASS DIFFUSER IS INSTALLED UNDER THE GLAZING COMPLYING WITH AS 1288. GRADE A TOUGHNED SAFETY GLASS **(MINIMUM 4mm THICKNESS)** SHALL BE USED IN THE OUTER PANE OF AN INSULATING GLAZING UNIT.

FLASHING ELEMENTS OF TUBULAR KSYLIGHTS ME BE OF A FIRE-RETARDENT MATERIAL, PROVIDED THE UNDER FLASHING MARTERIAL IS **NO GREATER THAN 5 ON THE FLAMMABILITY INDEX**.

EVAPORATIVE COOLING UNITS SHALL BE FITTED WITH NON-COMBUSTIBLE BUTTERFLY CLOSERS OR FITTED WITH NON-COMBUSTIBLE COVERS WITH A MESH OR PERFORATED SHEET **MAXIMUM APERTURE OF 2mm**, MADE OF CORROSION-RESISTANT STEEL, BRONZE OR ALUMINIUM.

7.6.6 EAVES LININGS, FASCIAS & GABLES

GABLES SHALL COMPLY WITH CLAUSE 6.4 AND FASCIAS AND BARGEBOARDS SHALL COMPLY WITH AS 1530.8.1

EAVES LININGS SHALL COMPLY WITH CLAUSE 8.6.6(c).

EAVES PENETRATIONS SHALL BE PROTECTED THE SAME AS FOR ROOF PENETRATIONS, AS SPECIFIED IN CLAUSE 8.6.5.

EAVES VENTILATION **OPENEINGS GREATER THAN 3mm** SHALL BE FITTED WITH EMBER GUARDS MADE OF NON-COMBUSTIBLE MATERIAL OR MESH OR PERFORATED SHEET **MAXIMUM APERTURE OF 2mm**, MADE OF CORROSION-RESISTANT STEEL, BRONZE OR.

JOINTS IN EAVES LININGS, FASCIAS AND GABLES MAY BE SEALED WITH PLASTIC JOINING STRIPS OR TIMBER MOULDS.

7.6.7 GUTTERS & DOWNPIPES

THIS STANDARD DOES NOT PROVIDE REQUIREMENTS FOR DOWNPIPES.

IF INSTALLED GUTTERS , BOX GUTTERS, VALLEY LEAF GUARDS AND JUNCTION FLASHINGS SHALL BE NON-COMBUSTIBLE.

7.7 VERANDAH, DECKS, STEPS, RAMPS & LANDINGS

7.7.1 GENERAL

DECKING MAY BE SPACED AND THERE IS NO REQUIREMENT TO ENCLOSE THE SUBFLOOR SPACES.

7.7.3 UNENCLOSED SUBFLOOR SPACES OF VERANDAHS, DECKS, STEPS, RAMPS & LANDINGS

SUPPORTS, FRAMING, DECKING, STAIR TREADS AND TRAFFICABLE SURFACES OF RAMPS AND LANDINGS SHALL BE OF NON-COMBUSTIBLE MATERIAL OR A SYSTEM COMPLYING WITH AS 1530.8.1 OR A COMBINATION OF BOTH.

THOSE PARTS OF THE HANDRAILS AND BALUSTRADES **LESS THAN 125mm** FROM ANY GLAZING OR ANY COMBUSTIBLE WALL SHALL BE OF NON-COMBUSTIBLE MATERIAL HOWEVER IF THEY ARE**125mm OR MORE** FROM THE BUILDING THERE ARE NO REQUIREMENTS.

7.8 WATER & GAS SUPPLY PIPES

ABOVE-GROUND, EXPOSED WATER & GAS SUPPLY PIPES SHALL BE METAL

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REV	ITEM	DATE	DATE
D	HOUSE LOCATED ON ALTERNATE SITE	8/5/21	8/6/21
			SCALE ON 1 : 100

PROJECT **NEW DWELLING**

CLIENT: **PASQUALE ROCCA**

ADDRESS **LOT 6 DP31836 WAURALTEE**

BAL 29 NOTES (HIGH) | Job No. 493-19 | Sheet No. 1 | Issue Rev D

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CONTRACTORS/BUILDER TO VERIFY DIMENSIONS ON SITE PRIOR TO FABRICATION

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REV	ITEM	DATE	DATE / SCALE ON
B	HOUSE LOCATED ON ALTERNATE SITE	8/6/21	8/6/21 / 1 : 10000

PROJECT NEW DWELLING
CLIENT: PASQUALE ROCCA
ADDRESS LOT 6 DP31836 WAURALTEE

LOCATION OVERLAY | Job No. 493-19 | Sheet No. 2 | Issue Rev B

8/06/2021 5:12:53 PM

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LOCATION PLAN OVERLAY

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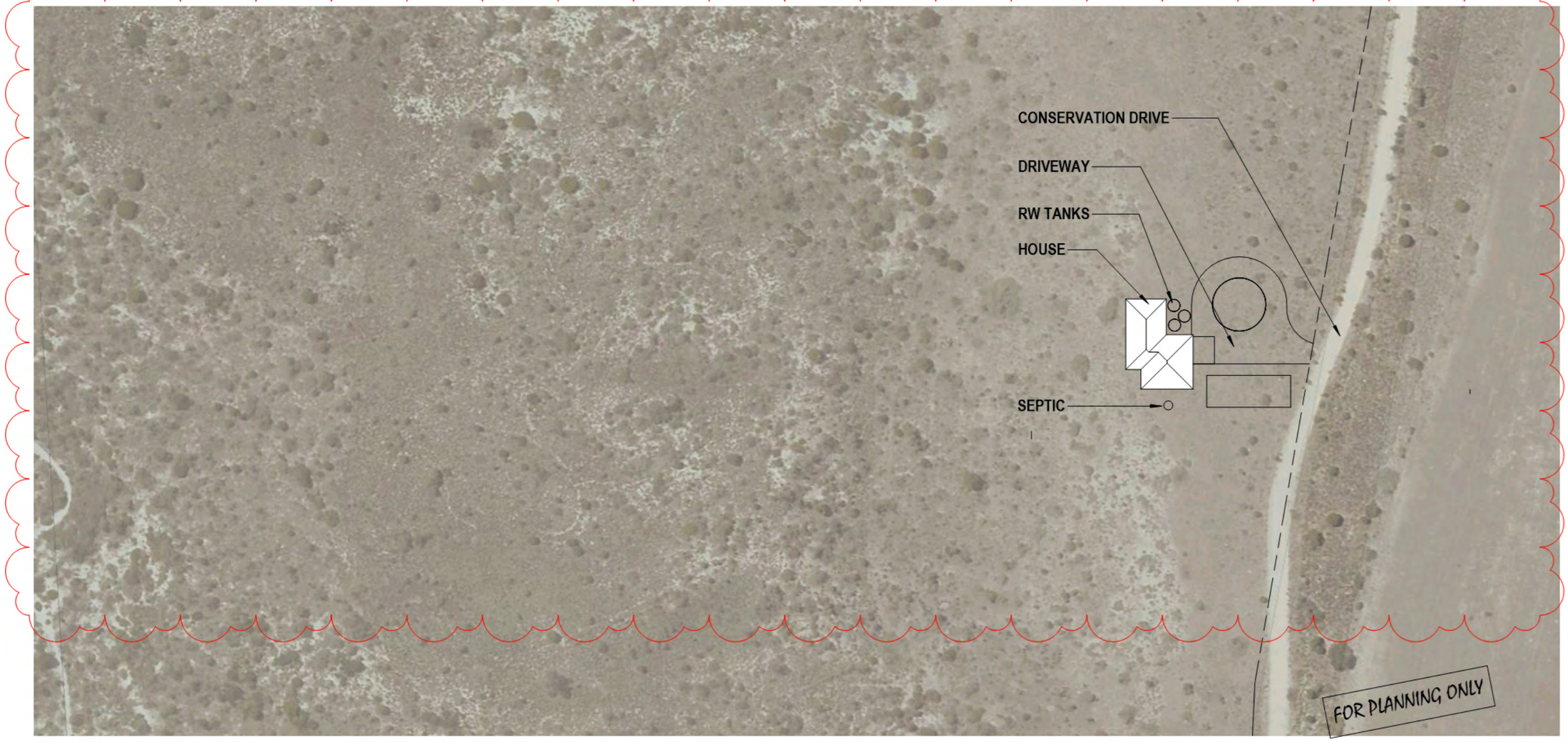

SITE PLAN 1000 OVERLAY

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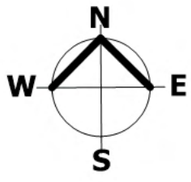

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REV	ITEM	DATE	DATE
B	HOUSE LOCATED ON ALTERNATE SITE	8/6/21	8/6/21
			SCALE ON 1 : 1000

PROJECT **NEW DWELLING**

CLIENT: **PASQUALE ROCCA**

ADDRESS **LOT 6 DP31836 WAURALTEE**

SITE OVERLAY | Job No. **493-19** | Sheet No. 3 | Issue Rev **B**

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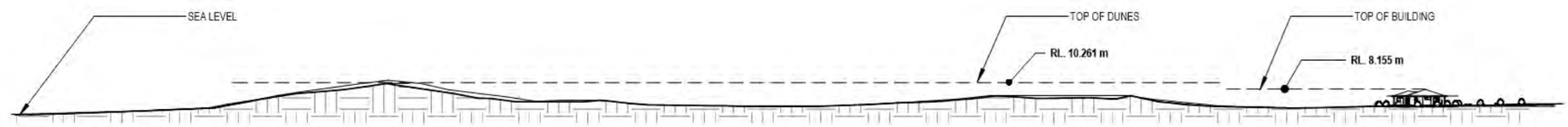

SECTION A-A
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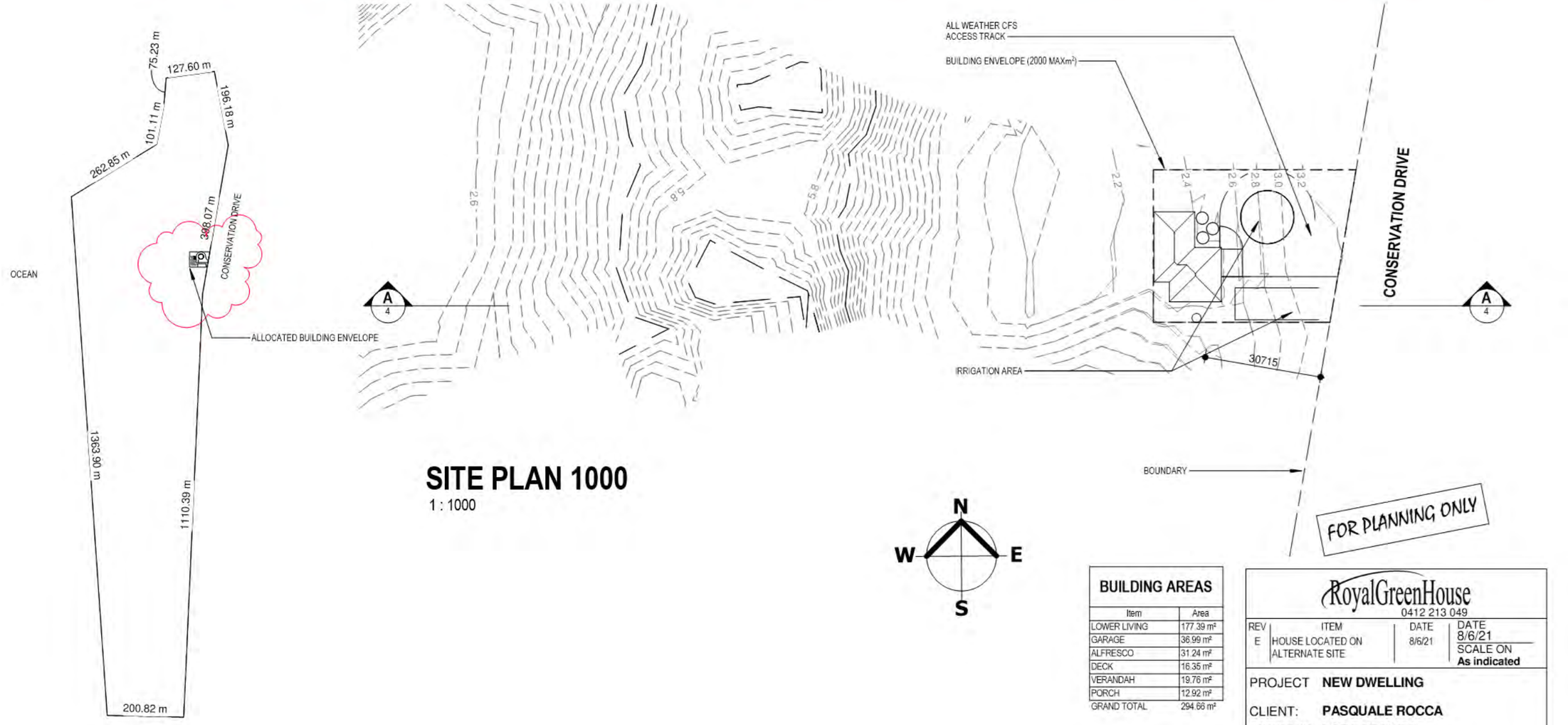

SITE PLAN 1000
1 : 1000

LOCATION PLAN
1 : 10000

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BUILDING AREAS	
Item	Area
LOWER LIVING	177.39 m²
GARAGE	36.99 m²
ALFRESCO	31.24 m²
DECK	16.35 m²
VERANDAH	19.76 m²
PORCH	12.92 m²
GRAND TOTAL	294.66 m²

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REV	ITEM	DATE
E	HOUSE LOCATED ON ALTERNATE SITE	8/6/21

DATE 8/6/21
SCALE ON **As indicated**

PROJECT **NEW DWELLING**
CLIENT: **PASQUALE ROCCA**
ADDRESS **LOT 6 DP31836 WAURALTEE**

SITE PLANS
Job No. **493-19** Issue **DPC**
Sheet No. **4** Rev **E**

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CONTRACTORS/BUILDER TO VERIFY DIMENSIONS ON SITE PRIOR TO FABRICATION.

COASTAL PLANTING

1. Candles (stackhousia monogyne) Perinnial to .8m - spikes of white flowers over a long period in Spring and Summer.
Frost hardy - tolerates drought, shade and coastal exposure.

2. Showy Bossiaea (Bossiaea cinerea) Spreading shrub to .8m - yellow and brown, flowers in Spring - tolerates drought, shade and coastal exposure. Required good drainage.

3. Native Indigo (indigofera australis) Slender shrub to 1.5m - masses if pink/lilac flowers in Spring - tolerates drought, shade and coastal exposures - will tolerate saline soils

4. Yellow Dogwood (Pomaderris elliptica) Shrub 1.5-2.5m - Glossy dark green leaves, Shrub 1.5-2.5m - Glossy dark green leaves, brown beneath - large yellow heads of flowers in Spring - drought tolerant - will grow in part shade - Tasmanian Endemic Species

5. Saw Leaf Banksia (Banksias errata) Medium shrub or small tree - grey-green-saw tooth leaves - large yellow bottlebrush flowers in Summer and Autumn - suit coastal exposure - requires good drainage.

SITE LEGEND

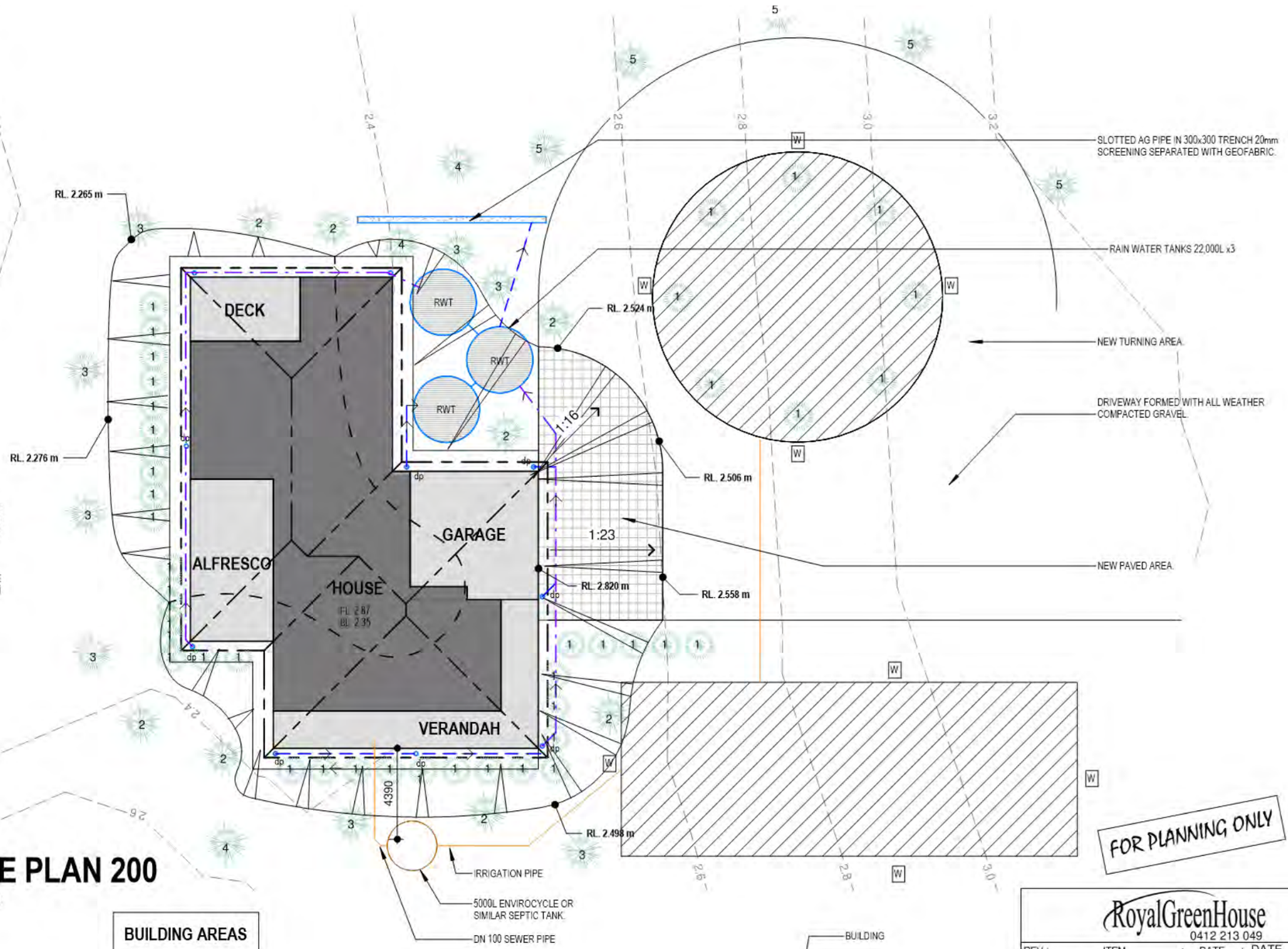
- SEALED SYSTEM TO SUPPLY TANKS WITH IP TO ENDS OF EACH RUN (NOT SHOWN FOR CLARITY)
- 90mm PVC STORM WATER UNLESS SHOWN DISCHARGE OVERFLOW TO STREET WATER TABLE AS PER COUNCIL GUIDELINES. ALL UNDERGROUND STORM WATER TO BE DONE USING SEWER GRADE UPVC.
- RWT — RETENTION/DETENTION TANK AS PER BUILDERS SCHEDULE WITH 1000L MINIMUM RETENTION TO BE PLUMBED TO NEW WC IN ACCORDANCE WITH SA2.1 OF THE NCC BCA. OVERFLOW TO DISCHARGE TO COUNCIL WATER TABLE
- dp — 90mm PVC DOWN PIPE AS PER BUILDERS SCHEDULE SEALED TO UNDER SIDE OF GUTTER
- 00.0 — NEW SPOT LEVEL
- 00.0 — EXISTING SPOT LEVEL
- CONCRETE SLEEPER RETAINING WALL
- TOP OF EMBANKMENT
- BOTTOM OF EMBANKMENT
- FL: TOP OF SLAB
- C.O.S. = CHECK ON SITE
- NOTE: REFER TO ENGINEERS SPECIFICATIONS AND DETAILS FOR OTHER NOTES/COMMENTS
- FLOOR LEVEL (SLAB LEVEL)

= DEDICATED 300 m² OF IRRIGATION AREA TERRACED TO ACHIEVE A MAXIMUM 5 deg CROSS FALL (IF REQUIRED) SURFACE CULTIVATED THEN COVERED WITH A 100MM LAYER OF FRIABLE SOIL PLUS 50MM OF WOODCHIPS. PLANTED OUT WITH HIGH SALT AND NUTRIENT TOLERANT SHRUBS

- IRRIGATION PIPELINE
- PERFORATED SUBSURFACE IRRIGATION PIPELINE
- SEWER DRAIN GRADE AS PER AS/NZS 3500 REFER TO SHEET 14 FOR SUBFLOOR LAYOUT PLANS
- IRRIGATION DRIPPERS
- W — WARNING SIGNS FOR IRRIGATION AREA

SITE PLAN 200

1 : 200



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BUILDING AREAS

Item	Area
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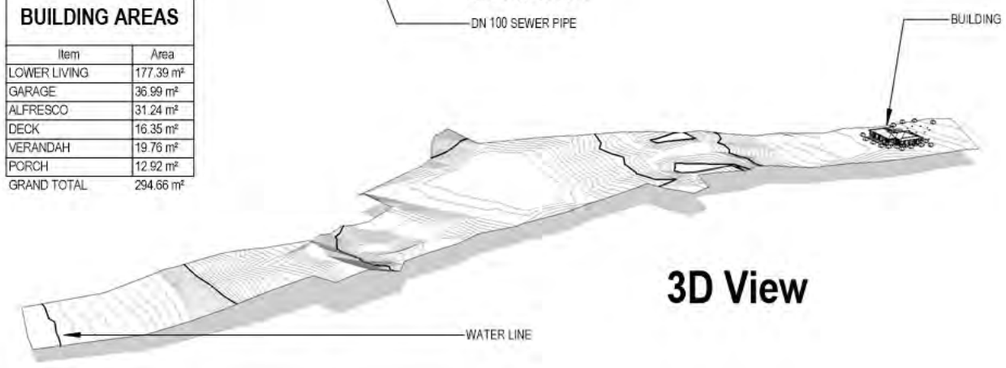
GRAND TOTAL	294.66 m²



3D View

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0412 213 049

REV	ITEM	DATE	DATE
D	HOUSE LOCATED ON ALTERNATE SITE	8/6/21	8/6/21
			SCALE ON: As indicated

PROJECT: **NEW DWELLING**
CLIENT: **PASQUALE ROCCA**
ADDRESS: **LOT 6 DP31836 WAURALTEE**

SITE PLANS — Job No. 493-19 — Sheet No. 5 — Issue Rev D

8/6/2021 5:12:54 PM

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CONTRACTORS/BUILDER TO VERIFY DIMENSIONS ON SITE PRIOR TO FABRICATION.

LOWER FLOOR PLAN

1 : 100

FOR PLANNING ONLY

BUILDING AREAS	
Item	Area
LOWER LIVING	177.39 m²
GARAGE	36.99 m²
ALFRESCO	31.24 m²
DECK	16.35 m²
VERANDAH	19.76 m²
PORCH	12.92 m²
GRAND TOTAL	294.66 m²

RoyalGreenHouse
0412 213 049

REV	ITEM	DATE
E	HOUSE LOCATED ON ALTERNATE SITE	8/6/21

DATE 8/6/21
SCALE ON 1 : 100

PROJECT **NEW DWELLING**

CLIENT: **PASQUALE ROCCA**

ADDRESS **LOT 6 DP31836 WAURALTEE**

FLOOR PLAN

Job No. **493-19**
Sheet No. 6
Issue Rev **E**

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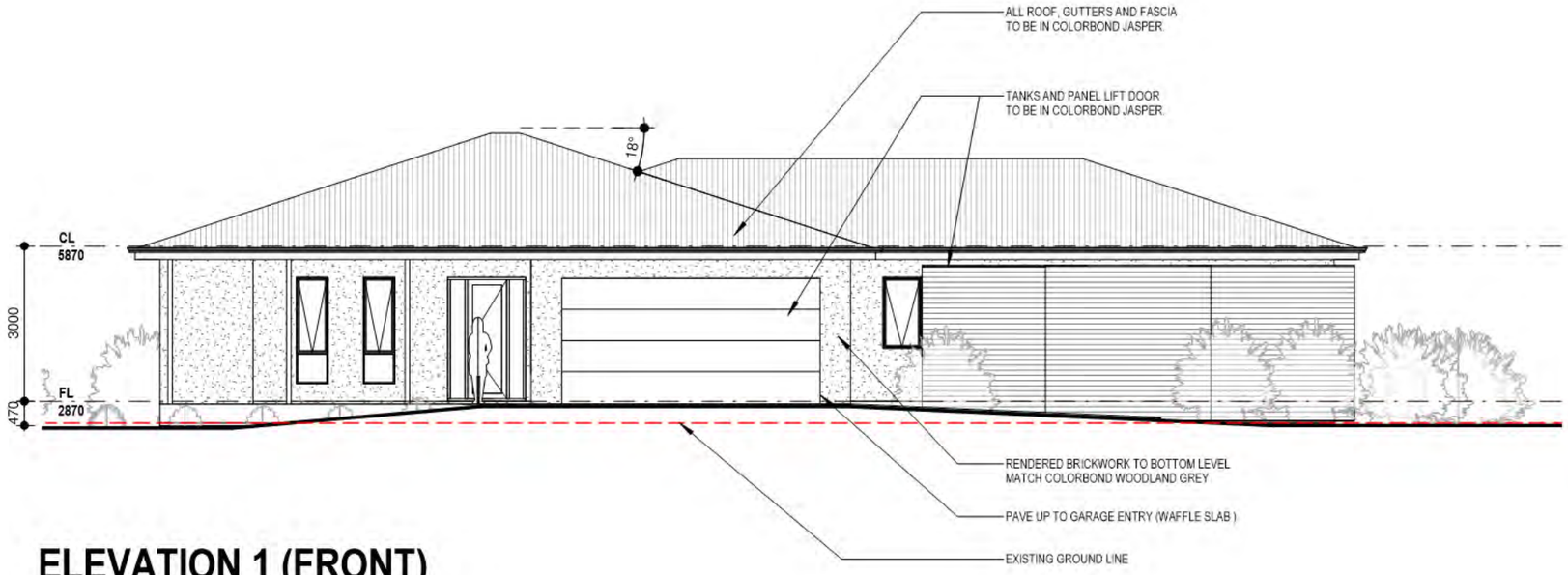
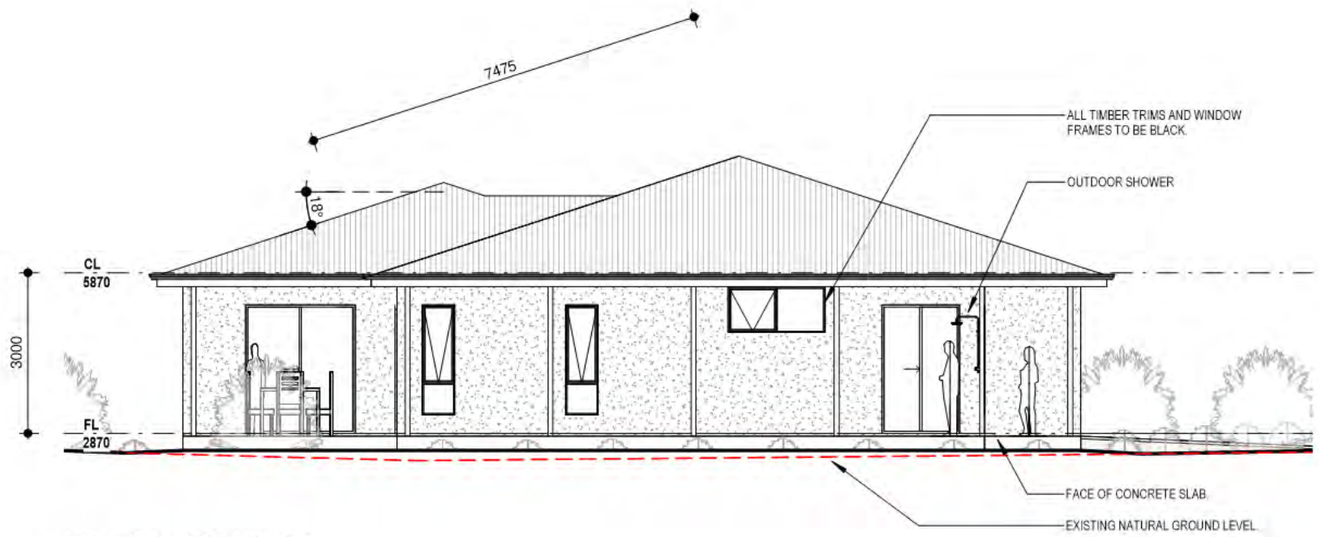


ELEVATION 1 (FRONT)

1 : 100



ELEVATION 2

1 : 100

FOR PLANNING ONLY

RoyalGreenHouse
0412 213 049

REV	ITEM	DATE	DATE
E	HOUSE LOCATED ON ALTERNATE SITE	8/6/21	8/6/21
			SCALE ON 1 : 100

PROJECT **NEW DWELLING**

CLIENT: **PASQUALE ROCCA**

ADDRESS **LOT 6 DP31836 WAURALTEE**

ELEVATIONS | Job No. **493-19** | Sheet No. **7** | Issue Rev **E**

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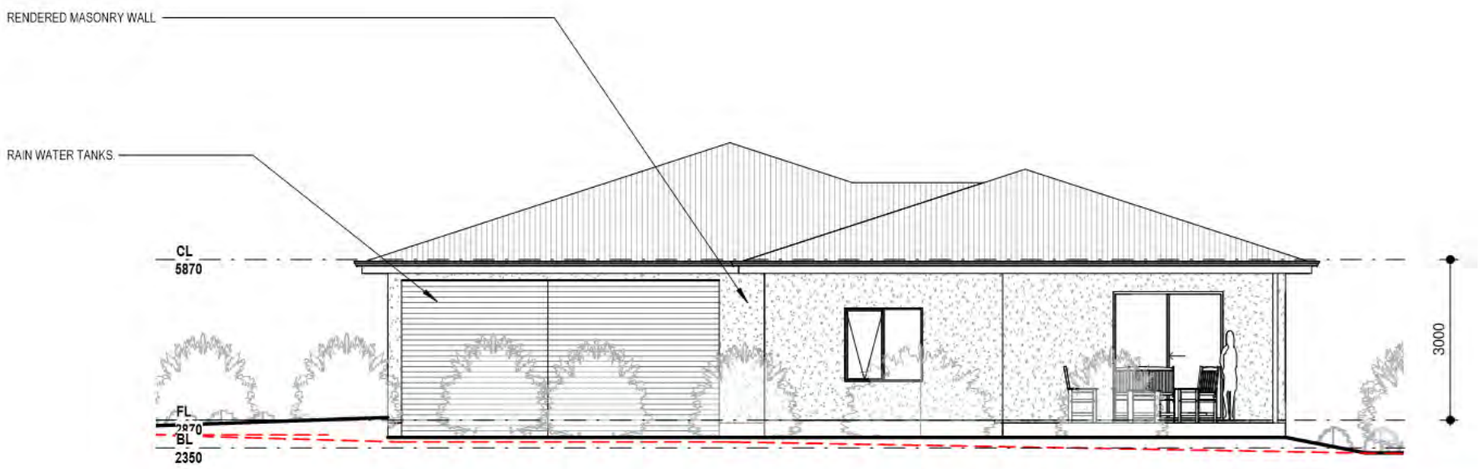
ELEVATION 3 (BACK)

1 : 100



ELEVATION 4

1 : 100

FOR PLANNING ONLY

RoyalGreenHouse
0412 213 049

REV	ITEM	DATE	DATE
E	HOUSE LOCATED ON ALTERNATE SITE	8/6/21	8/6/21
			SCALE ON 1 : 100

PROJECT **NEW DWELLING**

CLIENT: **PASQUALE ROCCA**

ADDRESS **LOT 6 DP31836 WAURALTEE**

ELEVATIONS | Job No. **493-19** | Sheet No. 8 | Issue Rev **E**

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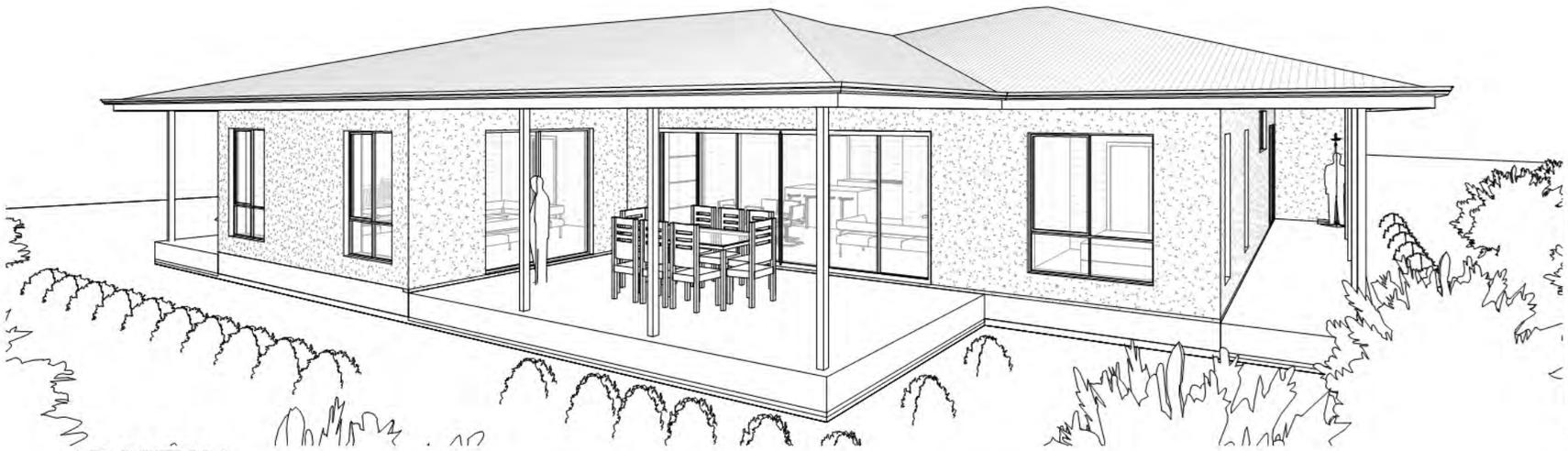
3D View 1



3D VIEW 3

FOR PLANNING ONLY

RoyalGreenHouse
0412 213 049

REV	ITEM	DATE	DATE
E	HOUSE LOCATED ON ALTERNATE SITE	8/6/21	8/6/21 SCALE ON

PROJECT **NEW DWELLING**

CLIENT: **PASQUALE ROCCA**

ADDRESS **LOT 6 DP31836 WAURALTEE**

3D VIEWS | Job No. **493-19** | Sheet No. 9 | Issue Rev **E**

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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.	544/1340/2019
APPLICANT **ADDRESS**	Heynen Planning Consultants PO Box 523 KENSINGTON PARK SA 5068
NATURE OF THE DEVELOPMENT	Single storey detached dwelling including 3 x 22,000L water tanks & associated earthworks
SUBJECT LAND	Lot 6 HD WAURALTEE 5573
CERTIFICATE OF TITLE	**VOLUME** 5414 **FOLIO** 102

The application may be examined at any of the Council located at either Yorketown, Maitland or Minlaton during normal business hours and any person or body affected may make relevant representations in writing concerning this application to reach the Authorised Officer at PO Box 57, MAITLAND SA 5573 **not later than 27 May 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 Allan Cotton
AUTHORISED OFFICER

Date 6 May 2020

THIS IS THE FIRST AND ONLY PUBLICATION OF THIS NOTICE

A CAMERON
CHIEF EXECUTIVE OFFICER

C:\Users\susanh\AppData\Local\Micro Focus\Content Manager\TEMP\HPTRIM.21296\20 41554 Public Notification - Cat 3 notice - Heynen Planning Consultants - . HD WAURALTEE 5573 - 544 1340 2019.DOC

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25/10/2021

Government of South Australia
Coast Protection Board

81-91 Waymouth Street
Adelaide SA 5000
GPO Box 1047
Adelaide SA 5001
Australia

Contact Officer: Kym Gerner
Ph: 8124 4885
Email: kym.gerner2@sa.gov.au

COAST PROTECTION BOARD
Development Applications Email:
DEW.CoastProtectionBoardDevelopmentApplications@sa.gov.au

Ref: CPB/66/20
25 October 2021

Susan Hadley
District Council of Yorke Peninsula

VIA EMAIL

Dear Susan

Development Application No	544/1340/2019
Applicant	P Rocca
Description	New Dwelling
Location	Lot 6, Conservation Drive, Wauraltee
Council	District Council of Yorke Peninsula
Zone	Coastal Conservation

I refer to the above development application forwarded to the Coast Protection Board (the Board) in accordance with Section 37 of the Development Act 1993. The planning authority is required to have regard to this response prior to making a decision on the proposal.

In accord with part 43 of the Development Regulations, a copy of the decision notification must be forwarded to the Board at the above address.

The following response is provided under delegated authority for the Board in compliance with the Board's Policy Document which is located on the following internet web site:

https://www.environment.sa.gov.au/files/sharedassets/public/coasts/coast-protection-board-policy-document-gen.pdf

More information on coastal development assessment and planning policy is contained in the Coastal Planning Information Package at:

https://www.environment.sa.gov.au/files/sharedassets/public/coasts/coastal-planning-information-package-gen.pdf

Proposal

The application is for a detached dwelling, 3 water tanks & associated earthworks at Wauraultee in the Coastal Conservation Zone. The allotment is the subject of a Land Management Agreement.

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Figure 1-Location of proposed development

Figure 2-Location of proposed development

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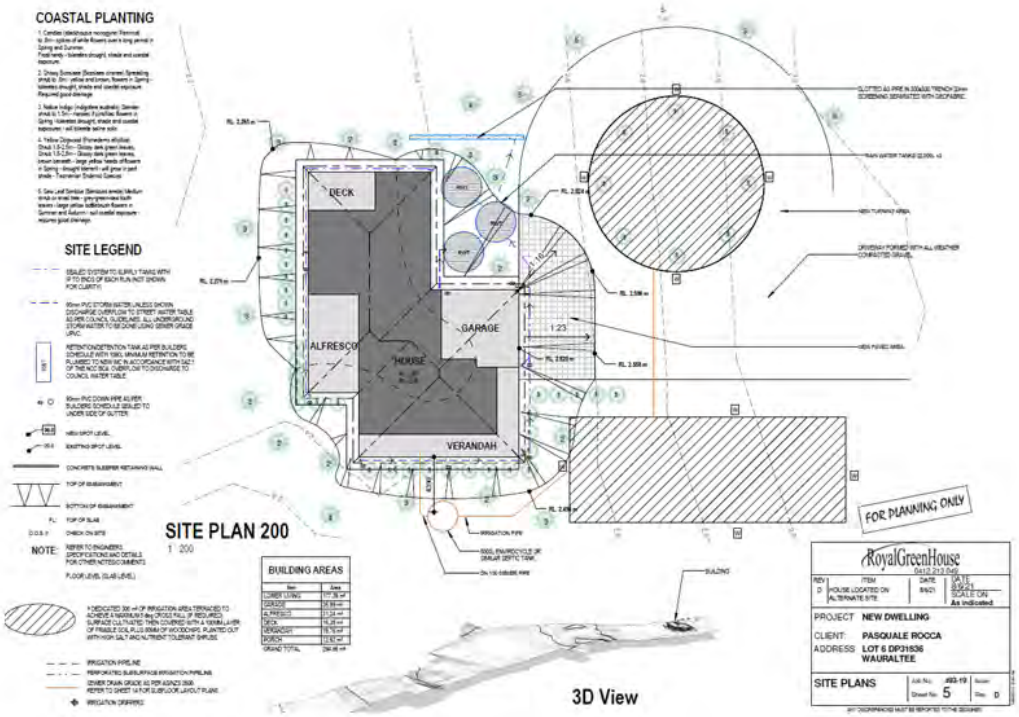

Figure 2-Proposed development

Coast Protection Board Policy

As per the Coast Protection Board's Policy Document 2016, the Board seeks to:

- retain coastal open space
- minimise impacts of development on the coast
- maintain compact coastal settlements and restrain development 'sprawl' along the coastline
- protect scenic amenity
- protect coastal biodiversity
- minimise or stop development in areas subject to coastal hazards
- minimise future environmental protection costs
- minimise future protection costs by ensuring new development satisfies the Board's flooding and erosion policies
- conserve developed coastal areas for land uses that require a coastal location.

Coastal Hazards

Coast Protection Board Policy 1.4 (b) states:

"The Board will seek to minimise the exposure of new and existing development to risk of damage from coastal hazards and risks to development on the coast."

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The proposed dwelling is well setback from the coast (over 400m) and is considered safe from coastal flooding and erosion. However, the development is located in a currently vegetated dune system which may be exposed to a potential sand drift hazard if vegetation is degraded or lost. This risk may become more exacerbated with climate change as arid conditions increase.

To alleviate this concern, the proponent with assistance from a native vegetation consultant has identified an appropriate area on site to locate the dwelling, being well set back (> 50 m from the dune toe), close to the road and utilising an area that was occupied by the most degraded vegetation community. Effectively reducing the potential risk of sand drift hazard to the development into the future.

Therefore, this application is considered to adequately address the Board's coastal hazard policies.

Native Vegetation and Coastal Biodiversity

Coast Protection Board Policy 1.4 (e) states:

> *"The Board will seek to ensure that the siting and design of development on the coast minimises its impact on the environment, heritage and visual amenity of the coast."*

Coast Protection Board Policy 1.5(c):

> *"The Coast Protection Board opposes development in sand dunes, wetlands, coastal estuaries and marine vegetation."*
>
> *[In doing so the Board will, however have regard for development that provides coastal protection or has a significant public or environmental benefit.]*

The proposed dwelling is within a vegetated dune system which contributes to the coastal biodiversity of the region if well maintained. Consequently, the Board requested further information in this regard, requesting an environmental management plan to ensure the integrity of the system would be retained and the demonstration of a significant environmental benefit for the site.

As native vegetation would need to be cleared or damaged to facilitate the development, approval from the Native Vegetation Council (NVC) under the *Native Vegetation Act 1991* and *Native Vegetation Regulations* 2017 was also required. In a similar sentiment to the Board, the NVC also required the demonstration of a significant environmental benefit across the site. Therefore, a Native Vegetation Management Plan was submitted in support of the application. Although not a true environmental management plan, it is considered suffice to facilitate the assessment of this proposal.

The Native Vegetation Management Plan identified the allotment to be within the Urania Environmental Association which is characterised by calcrete plain with low rises and tracts of dunes. The coastline at this location is backed by low cliffs or a complex of high dunes and salt lakes. Soils are described as friable red loams, reddish calcareous earths, brown sands, whitish calcareous sands and grey calcareous loams. The association vegetation description includes open heath of Coast Daisy-bush, Coast Beard-heath and Coastal Wattle, Chenopod Shrubland of Samphire and Nitre Bush and Low Open Shrublands. The management plan outlines key management objectives (Section 3) including key actions, a works calendar and monitoring program that must be adhered to over a 10 year period.

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The Board considers that the development as accompanied by the Native Vegetation Management Plan adequately addresses the Board's coastal biodiversity policies by demonstrating a long term commitment to improving the site which in time, can be of significant environmental benefit for the site.

It is recommended that a condition be attached to any approval requiring the applicant to adhere to the proposed revegetation and pest species management program.

All landscaping associated with this development should consist of local native coastal species, to improve coastal biodiversity and minimise the spread of exotic plants on the coast. Staff from the Northern and Yorke Landscapes Board should be contacted for expert advice, including the development of a suitable species list. Alternatively, the publication 'Coastal gardens – a planting guide for the Northern and Yorke coastal region' may be able to assist with making informed choices. This can be found online:
https://www.landscape.sa.gov.au/ny/get-involved/at-home

Any imported substrate material or engineered fill shall be free of weeds and pathogens, to ensure that noxious weeds or contaminants are not introduced into the coastal environment.

Wastewater

Coast Protection Board Policy 1.4 (e) states:

> *"The Board will seek to ensure that the siting and design of development on the coast minimises its impact on the environment, heritage and visual amenity of the coast."*

The Board seeks to minimise the impact of wastewater discharge to the coast. Due to the sites close proximity to the coast, a fully self-contained septic tank should be installed and suitably maintained to ensure that there can be no seepage or overflow of wastewater into the coastal and marine environments.

Adjacent Crown land

Coastal land adjoining the private allotment is susceptible to impact and damage from unmanaged access including pedestrian and vehicle access tracks. This section of coast appears to be relatively unaffected by inappropriate use and the coastal interface appears to be reasonably healthy and intact. The Board is pleased to note that there are no plans to include additional access tracks straight to the coast, with the development being sited closer to the public access way to the north.

It is important that this remain the status quo and incremental damage to the site and surrounding coastal interface is maintained in its current state or improved as per the Native Vegetation Management Plan submitted.

Orderly development

Coast Protection Board Policy 1.5(a):

> *"The Coast Protection Board opposes linear or scattered coastal development, with the exception of tourist accommodation development or that which has a significant public or environmental benefit, as per Policy 1.6. The Board prefers development to be concentrated within existing developed areas or appropriately chosen nodes."*

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25/10/2021

Coast Protection Board Policy 1.6:

"The Coast Protection Board may support development, including tourist accommodation or that which has a significant public or environmental benefit, in coastal areas outside of urban areas provided:

- *It is sited and designed in a manner that is subservient to important natural values within the coastal environment;*
- *It is not subject to unaddressed coastal hazards;*
- *Adverse impacts on natural features, landscapes, habitats, threatened species and cultural assets are avoided or minimised; and*
- *It will not significantly impact on the amenity of scenic coastal vistas.*

As per discussion under Native Vegetation and Coastal Biodiversity, it is considered that the proposal, which is for a dwelling outside an urban area, can provide a significant environmental benefit (Policy 1.5 (a)) and it is generally consistent with the requirements of Policy 1.6.

Coast Protection Board Response

The Coast Protection Board advises it has no objections to the proposed development, and recommends that the following Conditions and Notes are applied to any approval:

Conditions

- The Native Management Plan including the key actions, a works calendar and monitoring program, submitted to support the application, shall be adhered to in full, for the required 10 year period.
- There shall be no encroachment of private structures or landscaping on, or disturbance to, Crown land as a result of this development or post construction.
- Any imported substrate material or engineered fill shall be free of weeds and pathogens, to ensure that noxious weeds or contaminants are not introduced into the coastal environment.

Notes

- The applicant is advised that any native vegetation on the site is protected under the Native Vegetation Act 1991 and Native Vegetation Regulations 2017. Prior to any clearance being undertaken, the applicant should seek Native Vegetation Council approval, which may include provision of a Significant Environmental Benefit offset. For further information visit: http://www.nvc.sa.gov.au, which includes an online interactive guide that helps to determine if an application to clear native vegetation is required, alternatively the Native Vegetation Council can be contacted on 8303 9777 or nvc@sa.gov.au
- Landscaping associated with this development should consist of local native coastal species, to improve coastal biodiversity and minimise the spread of exotic plants on the coast. Staff from the Northern and Yorke Landscapes Board should be contacted for expert advice, including the development of a suitable species list. Alternatively, the publication 'Coastal gardens – a planting guide for the Northern and Yorke coastal region' may be able to assist with making informed choices. This can be found online: https://www.landscape.sa.gov.au/ny/get-involved/at-home
- Effluent/waste-water disposal systems shall be of a type which are fully self-contained to ensure there can be no seepage or overflow to the coastal environment.

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25/10/2021

Disclaimer

The Board attaches the following disclaimer to the above advice;

Based upon current knowledge and information the development and development site is at some risk of coastal erosion and inundation due to extreme tides notwithstanding any recommendations or advice herein, or may be at future risk. Neither erosion nor the effect of sea level change on this can be predicted with certainty. Also, mean sea level may rise by more than the 0.3 metres assumed in assessing this application.

Accordingly neither the South Australian Coast Protection Board nor any of its servants, agents or officers accept any responsibility for any loss of life and property that may occur as a result of such circumstances.

If this application is approved, the Council should consider including a similar disclaimer in its Decision Notification to the applicant. However, no reference must be made to the Coast Protection Board in the Council's disclaimer.

Yours sincerely

Murray Townsend
Manager Coast and Marine Branch
Department for Environment and Water
Delegate for the Coast Protection Board

South Australian
COUNTRY FIRE SERVICE

Yorke Peninsula Council
RECEIVED
02/07/2020

DEVELOPMENT ASSESSMENT SERVICE

Your Ref: 544/1340/2019
Our Ref: Yorke Peninsula DA
Please refer to: 20200702 – 01cs

2 June 2020

Yorke Peninsula Council
PO Box 57
Maitland SA 5573

ATTN: SUSAN HADLEY

Dear Susan,

RE: DEVELOPMENT APPLICATION (PLANNING ASSESSMENT) – ROCCA
LOT 6, CONSERVATION DRIVE, WAURALTEE

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) [The Code] as published under Regulation 106 of the *Development Regulations 2008* applies.

The Code, Part 2.1 states *"When submitting an application it is important to remember that the information provided with an application forms the basis upon which the application will be assessed. If the information is inadequate or insufficient (incomplete, incorrect), the application may be delayed."*

An officer of the SA Country Fire Service [SA CFS] Development Assessment Service has assessed the proposed development site, allotment and adjoining areas.

The Bushfire Protection Zone for the area has been designated as **HIGH**

The SA Country Fire Service has no objection to the proposed development.

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) provides mandatory Bushfire Protection planning requirements as conditions of consent for the development as follows:

ACCESS TO DWELLING

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.3.1 describes the mandatory provision that 'Private' roads and driveways to buildings shall provide safe and convenient access/egress for large bushfire fighting vehicles, where the furthest point to the building from the nearest public road is more than 30 metres.

SA CFS has no objection to the proposed access driveway as detailed on drawing named Site Plan, dated at last revision 21/08/2019, with the following conditions:

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either –

Level 5, 60 Waymouth Street, Adelaide SA 5000
T 08 8115 3372 | F 08 8115 3301 | E das@cfs.sa.gov.au
ABN 97 677 077 835 www.cfs.sa.gov.au

i. A loop road around the building, OR

ii. A turning area with a minimum radius of 12.5 metres, OR

iii. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.

- Private access shall have minimum internal radii of 9.5 metres on all bends.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.

ACCESS (to dedicated water supply)

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for fire-fighting.

The proposed location of dedicated fire water has not been detailed on drawings provided.

SA CFS has no objection to the proposed rain water tanks being utilised as the dedicated supply, providing an outlet can be positioned to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and at a distance of no greater than 30 metres from the proposed dwelling.
- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering "FIRE WATER").
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent to the water supply for a flat hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
- A gravity fed water supply outlet may be remotely located from the tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.
- Ideally a remote water supply outlet should be gravity fed, where this is not possible the following dimensions shall be considered as the maximum capability in any hydraulic design for draughting purposes:

  The dedicated water supply outlet for draughting purposes shall not exceed 5 metre maximum vertical lift (calculated on the height of the hardstand surface to the lowest point of the storage) and no greater than 6 metre horizontal distance.

  The suction outlet pipework from the tank shall be fitted with an inline non return valve of nominal internal diameter not less than that of the suction pipe and be located from the lowest point of extract from the tank. All fittings shall be installed to allow for easy maintenance.

WATER SUPPLY

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made available at all times for fire-fighting.

Ministers Specification SA78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister's Specification SA78:

- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.
- The minimum requirement of 22,000 litres may be combined with domestic use, providing the outlet for domestic use is located above the 22,000 litres of dedicated fire water supply in order for it to remain as a dedicated supply.
- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.
- The water storage facility (and any support structure) shall be constructed of non-combustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has –
    i. A minimum inlet diameter of 38mm, AND
    ii. Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
    iii. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. An 'Operations Instruction Procedure' shall be located with the pump control panel.
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the dwelling).
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- All fire-fighting hoses shall be readily available at all times.

Yorke Peninsula Council
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02/07/2020

VEGETATION MANAGEMENT

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.5 mandates that landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property.

- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the dwelling (or to the property boundaries – whichever comes first) as follows:
  i. The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
  ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
  iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
  iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
  v. Shrubs must not be planted under trees or must be separated by at least 1.5 times their mature height from the trees' lowest branches.
  vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
  vii. No understorey vegetation shall be established within 1 metre of the dwelling (understorey is defined as plants and bushes up to 2 metres in height).
  viii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves
  ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but its intent is to provide a *'measure of protection'* from the approach, impact and passing of a bushfire.

Should there be any need for further information, please contact the undersigned at the Development Assessment Service on (08) 8115 3372.

Yours sincerely,

CAREN SIEGFRIEDT

BUSHFIRE SAFETY OFFICER
DEVELOPMENT ASSESSMENT SERVICE

cc:

South Australian
COUNTRY FIRE SERVICE

Yorke Peninsula Council
RECEIVED
02/07/2020

DEVELOPMENT ASSESSMENT SERVICE

Your Ref: 544/1340/2019
Our Ref: Yorke Peninsula DA
Please refer to: 20200702 – 01cs

2 June 2020

Yorke Peninsula Council
PO Box 57
Maitland SA 5573

ATTN: SUSAN HADLEY

Dear Susan,

RE: BUSHFIRE ATTACK LEVEL (BAL) ASSESSMENT – ROCCA
LOT 6, CONSERVATION DRIVE, WAURALTEE

An officer of the SA Country Fire Service (SA CFS) Development Assessment Service, has assessed the proposed development site, allotment and adjoining areas.

A site bushfire attack assessment was conducted in accordance with the National Construction Code of Australia [NCC] and Australian Standard™3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".

This report shall not be considered as SA CFS endorsement of any subsequent development.

This BAL report is considered relevant at the date of assessment.

ASSESSMENT DETAILS:

Category of Bushfire Attack	**BAL 19**

BUILDING CONSIDERATIONS

Please refer to the NCC, relevant standards and state provisions for construction requirements and performance provisions.

Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but its intent is to provide a *'measure of protection'* from the approach, impact and passing of a bushfire.

Should there be any need for further information please contact the undersigned at the SA CFS Development Assessment Service on (08) 8115 3372.

Yours sincerely,

CAREN SIEGFRIEDT

BUSHFIRE SAFETY OFFICER
DEVELOPMENT ASSESSMENT SERVICE

Level 5, 60 Waymouth Street, Adelaide SA 5000
T 08 8115 3372 | F 08 8115 3301 | E das@cfs.sa.gov.au
ABN 97 677 077 835 www.cfs.sa.gov.au

Susan Hadley

From: Everitt, Alice (DEW) <Alice.Everitt@sa.gov.au>
Sent: Monday, 10 August 2020 2:33 PM
To: Susan Hadley
Subject: RE: Informal referral - DA 544/1340/2019 - Detached Dwelling - Wauraltee [SEC=UNOFFICIAL]

Hi Susan

Apologies that this advice is late but hopefully it may still be useful.

The subject land appears to be covered in native vegetation consisting of coastal shrubland described as:

Olearia axillaris, +/-*Acacia nematophylla*, +/-*Leucopogon parviflorus*, +/-*Acacia longifolia ssp. sophorae* mid open shrubland over *Poa poiformis* var. *poiformis, Lagurus ovatus, Rhagodia candolleana ssp. candolleana*, +/-*Tetragonia implexicoma*, +/-*Lepidosperma gladiatum* low shrubs.

Parts of the vegetation community are likely to be intact where the sand dunes exist running along the western edge of the subject land. Where the house is proposed appears to be a degraded form of the coastal shrubland, where disturbance has occurred in the past. The photo provided shows an open area that contains mostly exotic pasture grasses and few native shrubs. In terms of the entire site, the proposed location appears reasonable due to being out of the dunes and better vegetation, closer to the road side. The proposed house site should not encroach on the western sand dune vegetation and should be at least 10m back from the edge of the better shrubland, if this is not the case the house site could be shifted eastwards to ensure no encroachment on the dune vegetation.

The applicant will need to submit an application for native vegetation removal in relation to a new house under Native Vegetation Regulation 12(33) to the Native Vegetation Branch. The application should show clearance proposed for all aspects of the development including the house footprint, 10m from the house, any additional CFS required bushfire buffer, shed, tanks, water disposal system, driveways and turnarounds. The applicant needs to demonstrate that clearance of native vegetation has been minimised as much as possible. A NVC accredited consultant must be employed to undertake a survey and provide a Data Report to be submitted with the application. This is likely to be a level 2/3 assessment under pathway 4 risk assessment. They can find a consultant and submit an application via our website link https://www.environment.sa.gov.au/topics/native-vegetation

I hope that's helpful to you still. Happy to assist further if needed.

Alice

Alice Everitt
(Monday - Thursday)

Native Vegetation Branch | Environment, Heritage and Sustainability | Department for Environment and Water
P (08) 8207 7715 | F (08) 8303 9780 | 81-95 Waymouth Street Adelaide, GPO Box 1047, Adelaide, SA 5001, AUSTRALIA

environment.sa.gov.au | **naturalresources.sa.gov.au** | **waterconnect.sa.gov.au**

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Native Vegetation Clearance

Wauraltee Residential Development

Clearance under the *Native Vegetation Regulations 2017*

12/07/2021

Prepared by Ecosphere Ecological Solutions

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1. Application information

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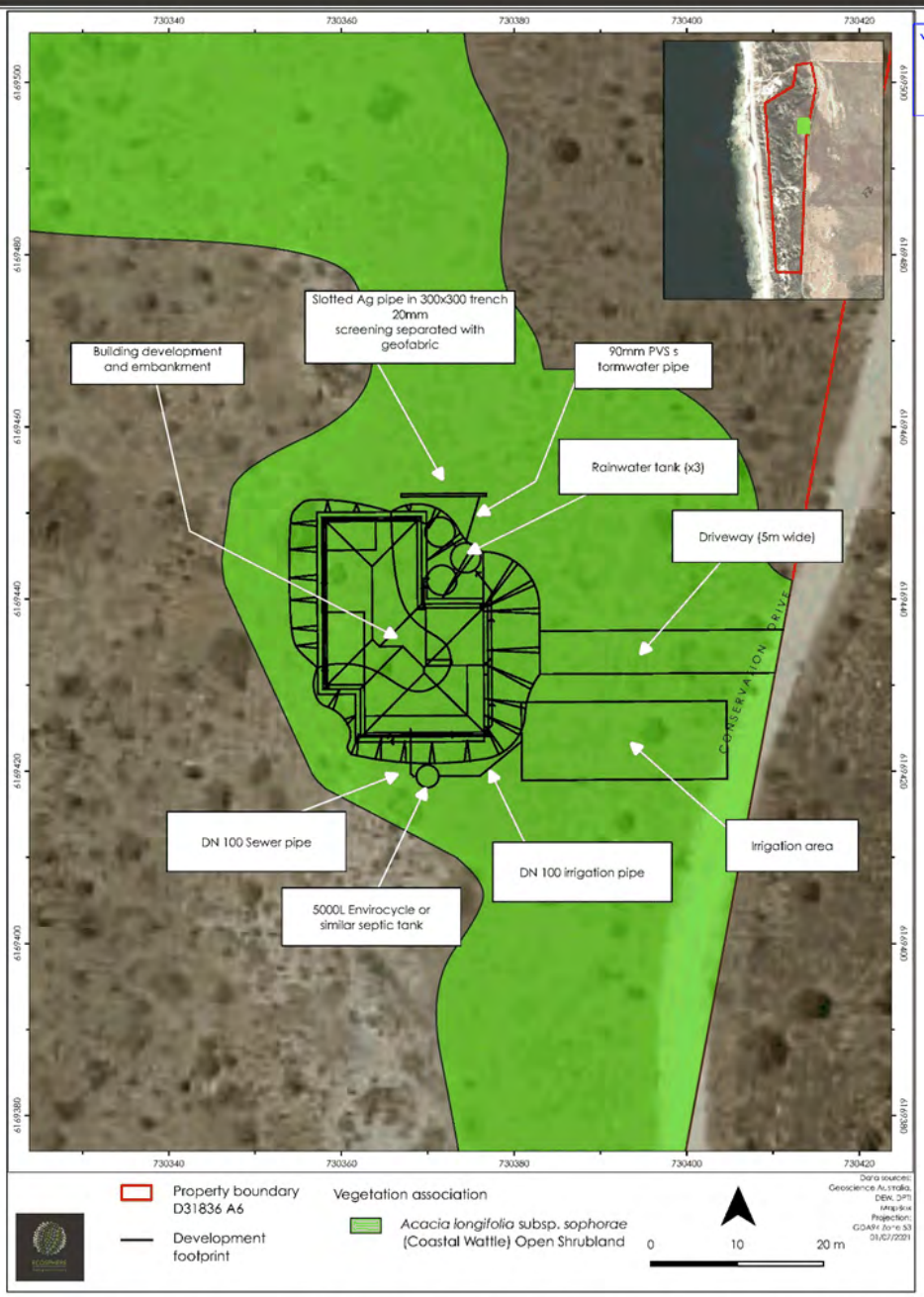
Application Details

Applicant:	Mr. Pat Rocca M: 0408 655 054 E: pat@cool.net.au		
Key contact:	Garth Heynan P: (08) 82717944 M: 0417 848 061 E: garth@heynenplanning.com.au		
Landowner:	Mr. Pat Rocca		
Site Address:	Lot 6 Conservation Drive, Wauraltee. Area, 44.8981ha		
Local Government Area:	District Council of Yorke Peninsula	Hundred:	Wauraltee
Title ID:	CT/5414/102	Parcel ID	D31836 A6

Summary of proposed clearance

Purpose of clearance	Residential development including Access Road, building and associated infrastructure
Native Vegetation Regulation	Regulation 12(33) – New dwelling or building
Description of the vegetation under application	*Acacia cupularis* (Cup Wattle), *Exocarpos aphyllus* (Coast Ballart), *Olearia axillaris* (Coastal Daisy-bush) Open Shrubland over *Lagurus ovatus* (Pussy Tail) and *Asphodelus fistulosus* (Onion Weed).
Total proposed clearance - area (ha) and number of trees	0.36 ha
Level of clearance	Level 2



Mitigation hierarchy	The consultant must briefly describe the steps that have been taken to avoid and then minimize impacts on native vegetation.
SEB Offset proposal	Payment of $5,324.89 or 1.37 ha on-ground

2. Purpose of clearance

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2.1 Description

Ecosphere were engaged by Heynen Planning Consultants to undertake a vegetation assessment at Lot 6 Wauraltee on behalf of the applicant, Mr. Pat Rocca. The Wauraltee allotment is located on the western coastal fringe of Yorke Peninsula approximately 12 km south of Port Victoria SA (Figure 1). The allotment is located on the western side of Conservation Drive, and forms a narrow linear shape aligning with the coastal strip of remnant dunes and coastal shrubland (Figure 2). The land to the east of Conservation Drive is largely converted mixed farming (cropping and grazing) land use. The ecological assessment was undertaken as two primary tasks, a desktop assessment to ascertain the likelihoods of specific species being present within the Project areas and then as a field survey to determine the presence or absence of specific species and ascertain the likelihood of presence dependent on the habitat available within the Project areas.

The specific objectives of survey were to:

- Conduct database searches to identify matters of Commonwealth environmental significance.
- Review existing mapping data (e.g. vegetation communities, vegetation condition and aerial photographs).
- Ground truth and confirm the outcomes and findings of the desktop study by conducting a field assessment.
- Collect vegetation data dependent on vegetation type and as required to fulfil legislative requirements under relevant Commonwealth and State Acts.
- Identify any flora species of Commonwealth or State conservation significance known to, or likely to, occur in the area.
- Conduct an opportunistic fauna assessment to determine if any native fauna species, or fauna habitat, of Commonwealth significance may be impacted upon by the Project.

2.2 Background

IBRA

The Interim Biogeographical Regionalisation of Australia (IBRA) was developed in 1993-94 and is endorsed by all levels of government as a key tool for identifying land for conservation under Australia's Strategy for the National Reserve System 2009-2030 (DoEE 2012). IBRA identifies geographically distinct bioregions based on common climate, geology, landform, native vegetation, and species information. The bioregions are further refined into subregions and environmental associations.

The site falls within the Eyre Yorke Block IBRA Bioregion, the Southern Yorke Subregion, and the Urania Environmental association. Approximately 6% of the Urania association is mapped as remnant vegetation of which 6% is formally conserved and protected within National Parks and Wildlife reserves or private heritage agreements under the *Native Vegetation Act 1991* (NV Act).

NVIS mapping

The Native Vegetation Floristic Areas - NVIS - Statewide South Australian government vegetation mapping describes the Project areas as being dominated by mallee vegetation communities with variable understorey composition. The following vegetation descriptions apply to the Project areas.

- *Olearia axillaris, +/-Acacia nematophylla, +/-Leucopogon parviflorus, +/-Acacia longifolia* ssp. *sophorae* mid open shrubland over *Poa poiformis* var. *poiformis, Lagurus ovatus, Rhagodia candolleana* ssp. *candolleana, +/-Tetragonia implexicoma, +/-Lepidosperma gladiatum* low shrubs

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Figure 1. Lot 6 Wauraltee location.

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Figure 2. Allotment boundary and proposed development footprint.

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Climate

The Minlaton Aero weather station (station 22031) is located approximately 10 km east of the Project area (Figure 3). Minlaton has an annual mean rainfall of 353 mm with 2020 observations to the end of March totalling 346 mm which is very close to average for the same period (BOM 2020).

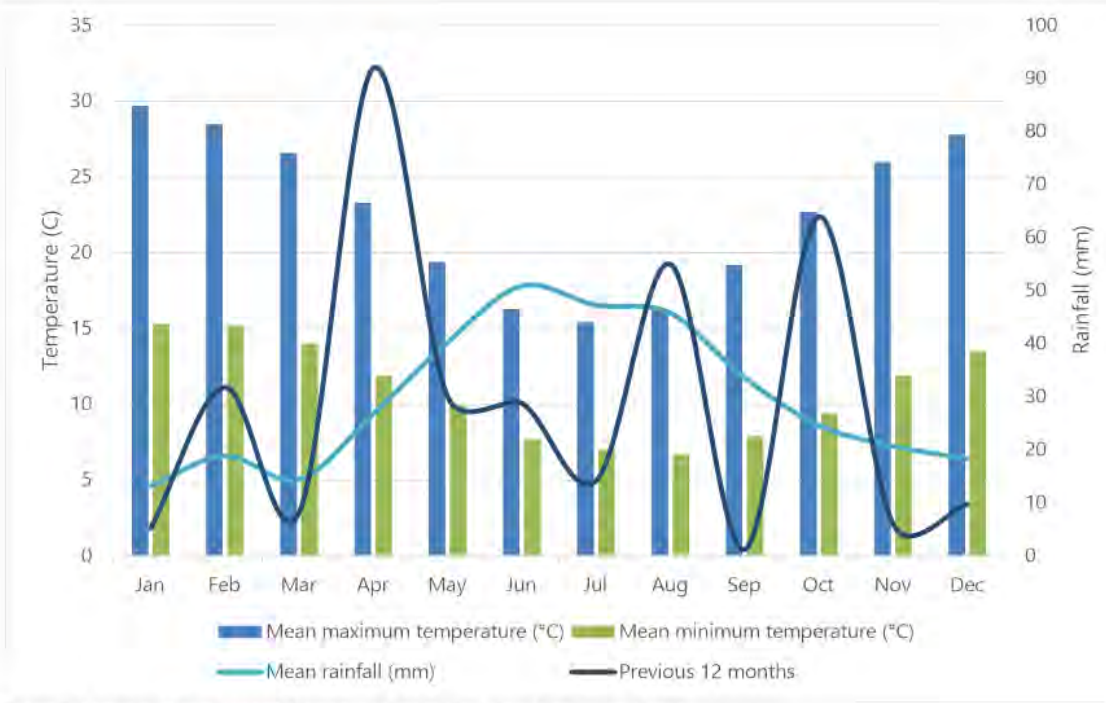

Figure 3. Average climatic conditions occurring at the Wauraltee project area.

Administrative boundaries

The Project area falls within the Hundred of Wauraltee and the District Council of Yorke Peninsula Local Government Area (LGA) From a landscape perspective, the Project area falls under the jurisdiction of the Northern and Yorke Landscape Management Area.

Legislative requirements

A summary of key legislation relating to flora and fauna consideration and their relevance to the proposed project is provided in Table 1 below. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides protection for matters of national environmental significance. Any action that has, will have or is likely to have a significant impact on matters of national environmental significance requires referral under the EPBC Act.

Native vegetation within the Project areas is protected under the *Native Vegetation Act 1991* (NV Act) and *Native Vegetation Regulations 2017* (NV Regs). Any clearance of native vegetation in South Australia (unless exempt under the regulations) requires approval.

Native plants and animals in South Australia are protected under the *National Parks and Wildlife Act 1972* (NPW Act). Under this Act, it is an offence to take a native plant or protected animal without approval. Conservation significant flora and fauna species listed on Schedules 7, 8, or 9 of the NPW Act are known from the proposed development site.

From July 1, 2020, the *Landscape South Australia Act 2019* (LSA Act) replaced the *Natural Resources Management Act 2004*, as the key framework for managing the state's land, water, pest plants and animals, and biodiversity across the state.

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Table 1. Summary of relevant Commonwealth and State legislation.

Legislation	Summary	Relevance
Commonwealth		
Environment Protection and Biodiversity Conservation Act 1999	To protect 'matters of national environmental significance' (MNES): • World Heritage properties • National Heritage properties • wetlands of international importance (Ramsar wetlands) • listed threatened species and ecological communities • migratory species • Commonwealth marine areas • the Great Barrier Reef Marine Park • nuclear actions (including uranium mining).	Where an activity may trigger requirements of the EPBC Act, this legislation must be considered. Any action that has, will have, or is likely to have a significant impact on a matter of national environmental significance requires referral and approval. Significant penalties apply. To determine whether an action is likely to have a significant impact on a matter of national environmental significance, refer to the Significant Impact Guidelines (Commonwealth of Australia 2009) at: http://www.environment.gov.au/epbc/publications/pubs/nes-guidelines.pdf.
South Australia		
Coast Protection Act 1972	The Coast Protection Board, which is the statutory authority responsible for the State's coast and administering the, and the role that it has in development assessment in accord with the *Development Act 1993*.	The Coast Protection Board is a referral body under Schedule 8 of the Development Regulations 2008 for development applications on 'coastal land'.
National Parks and Wildlife Act 1972	Allows for the protection of habitat and wildlife through the establishment of parks and reserves (both on land and in State waters); provides for the protection of native flora and fauna; identifies flora and fauna species considered to be of conservation significance (under Schedules 7, 8, and 9 of the Act); and provides for the use of approved wildlife through a system of permits allowing certain actions, i.e. keeping and selling (s.58), harvesting (s.60G), farming (s.60C), hunting (s.68A), releasing (s.55) and undertaking scientific research (s.53) on/of native fauna species, and for the taking of plants (s.49).	A person must not "take" a native plant, protected animal or the eggs of a protected animal without approval (s.48A). Significant penalties apply. To take a native plant means to remove the plant or part of the plant, from the place in which it is growing; or to damage the plant. To take a protected animal means to remove, hunt, catch, restrain, kill or injure an animal, or attempt to do so. A person may take non-prescribed plant species from private land with the consent of the owner; however, these species may also be covered under the *Native Vegetation Act 1991*. There are several non-complying activities in parks and reserves that result in penalty (parts 4-6).
Native Vegetation Act 1991	To preserve, enhance and manage the State's native vegetation; provide a regulatory framework to control clearance of vegetation; and provide incentives and assistance to landowners to encourage them to preserve and enhance native vegetation. The Act protects all native vegetation that naturally occurs, i.e. vegetation which has not been planted. This includes all naturally occurring local native plants, from small ground covers and native grasses to mallee scrub and tall trees. It does not cover planted trees. Approval is required for the clearance of native	Persons wanting to clear native vegetation must apply for a permit from the Native Vegetation Council (NVC) (ss.7,14), unless exempt under the regulations. The NVC will consider the impacts of the proposed clearance and may grant consent, refuse consent or grant consent subject to certain conditions (s.29). A net environment benefit is generally conditional on an approval being granted. Significant penalties apply if a person clears native vegetation without the permission of the NVC (s.26). The NVC can also take civil enforcement proceedings in the District Court for an order that the native vegetation be re-instated (s.31).

Legislation	Summary	Relevance
	vegetation. Clearance is defined as: • the killing or destruction of native vegetation • the removal of native vegetation • the severing of branches, limbs, stems or trunks of native vegetation • the burning, poisoning and slashing of native vegetation • any other substantial damage to native vegetation including activities such as the draining for the reclamation of wetlands or flooding of land, grazing land where stock have been excluded for more than ten years.	The Act also provides the opportunity for landholders to enter into voluntary "Heritage Agreement(s)" to ensure vegetation on private land is protected for perpetuity (s.23).
Landscape South Australia Act 2019	From July 1, 2020, the *Landscape South Australia Act 2019* (LSA Act) replaced the *Natural Resources Management Act 2004*, as the key framework for managing the state's land, water, pest plants and animals, and biodiversity across the state.	Under the South Australian LSA Act landholders have a legal responsibility to manage declared pest plants and animals and prevent land and water degradation. A key priority of landscape boards is to support local communities and landowners to be solely responsible for sustainably managing their region's landscapes with an emphasis on land and water management, pest animal and plant control, and biodiversity. This includes providing greater funding and partnership opportunities with local community organisations to deliver on ground works and projects.
Planning Development and Infrastructure Act 2016	The Planning and Design Code is the cornerstone of the new system and has replaced all council development plans to become the single source of planning policy for assessing development applications. The *Development Act 1993* has been replaced by the new Act state-wide and is no longer operational. The *Planning Development and Infrastructure Act 2016* provides provision for the protection of 'regulated trees' and 'significant trees.	Any activity that damages a 'regulated tree' or 'significant tree' is 'development', and as such requires a development approval. Specifically, development approval is required for removal, killing or destruction, branch or limb lopping, ringbarking, or topping, or any other substantial damage to a regulated or significant tree, including to its root system other than maintenance pruning. Significant fines apply if breaches are proven.

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Roadside Significant Site Database (RSSD)

There were no RSSD sites located within or near proximity to the proposed clearance area.

2.3 Native Vegetation Regulation

Regulation 12(33) – New dwelling or building. To allow clearance of vegetation for a new dwelling or building approved under the Development Act 1993. This also includes clearance for associated structures (that have development approval).

The new dwelling/building must be situated in a location that avoids and minimises the loss of native vegetation. It should be able to be demonstrated that any alternatives have been considered. Depending on how large the allotment, consideration of all areas for the dwelling/building should occur, including those areas that involve no vegetation clearance situated on a different part of the block or where the vegetation is shown to be less significant (or more degraded) than the vegetation proposed to be cleared.

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3. Method

3.1 Desktop assessment

Protected Matters Search Tool (PMST) – EPBC Act

A desktop study was conducted to assess the potential for any threatened species (both Commonwealth and State listed) to occur within the Project areas. This was achieved by undertaking database searches.

A PMST report was generated on 27th April 2021 to identify MNES under the EPBC Act, relevant to the Project areas (DAWE, 2020). The PMST is maintained by the Department of Agriculture Water and the Environment (DAWE) and was used to identify flora and fauna species or ecological communities of national environmental significance that may occur or likely to have suitable habitat within the Project area.

Biological Database of South Australia (BDBSA) – NPW Act

This data has been sourced from the Naturemaps BDBSA Supertable for all records within a 5km radius with a spatial reliability of less than 1km since January 1995. The dataset was obtained on 27th April 2021 and was used to identify threatened species that have been recorded within the Project areas (DEW 2020). Known records of threatened species listed under the EPBC Act were also identified within this search.

Assessment of the likelihood of occurrence

The likelihood of each threatened flora and fauna species occurring within the Project areas was assessed. A likelihood of occurrence rating (Highly Likely / Known, Likely, Possible and Unlikely) was assigned to each threatened species identified in the desktop PMST and BDBSA search (Table 2).

Table 2. Criteria for the likelihood of occurrence of species within the Project areas.

Likelihood	Criteria
Highly Likely/Known	Recorded in the last 10 years, the species does not have highly specific niche requirements, the habitat is largely intact and falls within the known Project of the species distribution or. The species was recorded as part of field surveys.
Likely	Recorded within the previous 20 years, the area falls within the known distribution of the species and the area provides species habitat which is largely intact.
Possible	Recorded within the previous 20 years, the area falls inside the known distribution of the species, but the area does not provide species habitat which is largely intact. Recorded within 20 -40 years, survey effort is considered adequate, habitat is present and intact, and species of similar habitat needs have been recorded in the area.
Unlikely	Recorded within 20 -40 years; however, suitable habitat does not occur, and species of similar habitat requirements have not been recorded in the area. No records within the previous 40 years despite suitable habitat being known to occur in the area. No records despite adequate survey effort.

Desktop study limitations

The content of the desktop study was derived from existing datasets and references from a Project of sources. Flora and fauna records were sourced from the Protected Matters Database via the PMST and the BDBSA via Naturemaps. The BDBSA only includes verified flora and fauna records submitted to DEW or partner organisations. It is recognised that drawing conclusions can be unreliable within areas that have been underrepresented in terms of biological studies. It is possible, therefore, that significant species occur within the Project areas that are not reflected by database records.

3.2 Flora assessment

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The field survey was conducted on 30th April 2021 by NVC accredited ecologist Andrew Sinel. The field survey included a vegetation survey and fauna assessment. All sites were assessed using the Bushland Assessment Methodology (BAM).

The vegetation survey was performed in accordance with the BAM. The NVC BAM was designed for assessing vegetation that is located within the agricultural region of South Australia. The BAM uses biodiversity 'surrogates' or 'indicators' to measure biodiversity value against benchmark communities. Each area to be assessed is termed an application area ('Block'), within which different vegetation associations ('Sites') are identified.

For the NVC BAM, three components of the biodiversity value of the site are measured and scored (Table 2):

- Vegetation condition.
- Conservation value; and
- Landscape context.

These three component scores are combined to provide a 'Unit Biodiversity Score' (UBS) for a hectare and then multiplied by the size (hectares) of the site to provide a 'Total Biodiversity Score' for the site.

The Study area was traversed on foot and a complete flora species list was recorded.

3.3 Threatened flora.

Native vegetation within the block sites was surveyed for nationally and state threatened flora species that possibly occurred within the area. A ramble survey method was adopted (i.e., randomly walking through areas of vegetation, attempting to cover different topography and habitats) to ensure best coverage of the block of vegetation within the time available.

The following information is recorded for all threatened flora observed:

- Location and extent of any populations (GPS); and
- Vegetation association and additional habitat observations where relevant.

3.4 Fauna assessment

All fauna species observed opportunistically during the survey were recorded for use on the bushland assessment sheets. The native vegetation within the Study area was assessed in terms of its fauna habitat value. This involved:

- Reviewing previous field survey results and database records.
- Assessing the habitat value of the vegetation during the field survey to determine the fauna species likely to occur within the Study area.
- Highlighting any areas of significant fauna.

4. Assessment Outcomes

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4.1 Vegetation Assessment

General description of the vegetation, the site and matters of significance

Lot 6 was observed as coastal vegetation and had numerous landforms present including dune, undulating plain and claypan. Vegetation was largely intact however disturbances included evidence of historical grazing as well as an unauthorised motorbike trail which aligns roughly with the western cadastral boundary of the allotment (Figure 4). No formalised vehicle tracks currently exist within the allotment apart from a very old track near the southern allotment boundary. This track currently reaches the landward side of the dune crest. Numerous kangaroo 'pads' were present throughout the allotment, and this made pedestrian movement through the allotment relatively easy however no formal pedestrian tracks exist within the allotment.

Figure 4. Looking south from mid-point of allotment with motorbike track along foredune crest visible on right side of image.

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The original site planned for the development footprint was located on a stable coastal plain area away from dunes in order to minimise Coast Protection Board concerns. This site was however found to be a high-quality vegetation stratum consisting of *Acacia cupularis* (Cup Wattle), *Exocarpos aphyllus* (Coast Ballart), *Olearia axillaris* (Coastal Daisy-bush) Open Shrubland over *Lomandra effusa* (Scented Mat-rush) (Figure 5).

Figure 5. Coastal shrubland intact vegetation recorded at original planned development footprint.

Subsequently, the entire allotment was assessed to determine the area of lowest value from a vegetation and ecological perspective. Two areas at the northern end of the allotment were found to have largely exotic vegetation with sparsely scattered indigenous shrubs in an area that has been previously cleared and naturally regenerated to moderate extent. Based on a dilapidated fence line that runs roughly north south in this area, it appears that most of the landward back of dune country has been grazed historically however this is unlikely to have occurred within the previous 20 years at least. The two areas were assessed using the Native Vegetation Council (NVC) bushland assessment method and mapped to provide recommendations to alternative development footprints. The southern area of the two poor quality sites was identified as requiring the least vegetation clearance in achieving the development footprint (Figure 6) particularly when considering the surrounding area of the development footprint at the southern location most likely meets the 30% vegetation cover levels necessary within 20m of the proposed dwelling/infrastructure under CFS requirements.

The southern site is also most suitable as it best complies with Coast Protection Board concerns and meets the following criteria:

- It is sited in a manner that is subservient to important natural values within the coastal environment.
- It is not subject to unaddressed coastal hazards.
- Adverse impacts on natural features, landscapes, habitats, threatened species and cultural assets are avoided or minimised.
- It will not significantly impact on the amenity of scenic coastal vistas.
- Is within close proximity to existing beach access point off Wauraltee Beach Road meaning no new vehicle/pedestrian access is required as part of the development.
- Is located >50m from the landward side of any dune of which is largely consolidated with vegetation and unlikely to drift significantly.

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Figure 6. Original proposed development area and alternative options mapped as poorest quality vegetation available.

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Vegetation Association	*Acacia cupularis* (Cup Wattle), *Exocarpos aphyllus* (Coast Ballart), *Olearia axillaris* (Coast Daisy-bush) Open Shrubland over *Lagurus ovatus* (Pussy Tail) and *Asphodelus fistulosus* (Onion Weed).

General description	Coastal regenerative vegetation in moderate condition however high weed cover and low native species richness.				
Threatened species or community	Not a threatened community.				
Landscape context score	1.16	Vegetation Condition Score	23.22	Conservation significance score	1.08
Unit biodiversity Score	29.09	Area (ha)	0.22	Total biodiversity Score	6.40

Figure 7. Development footprint within area mapped as association 1.

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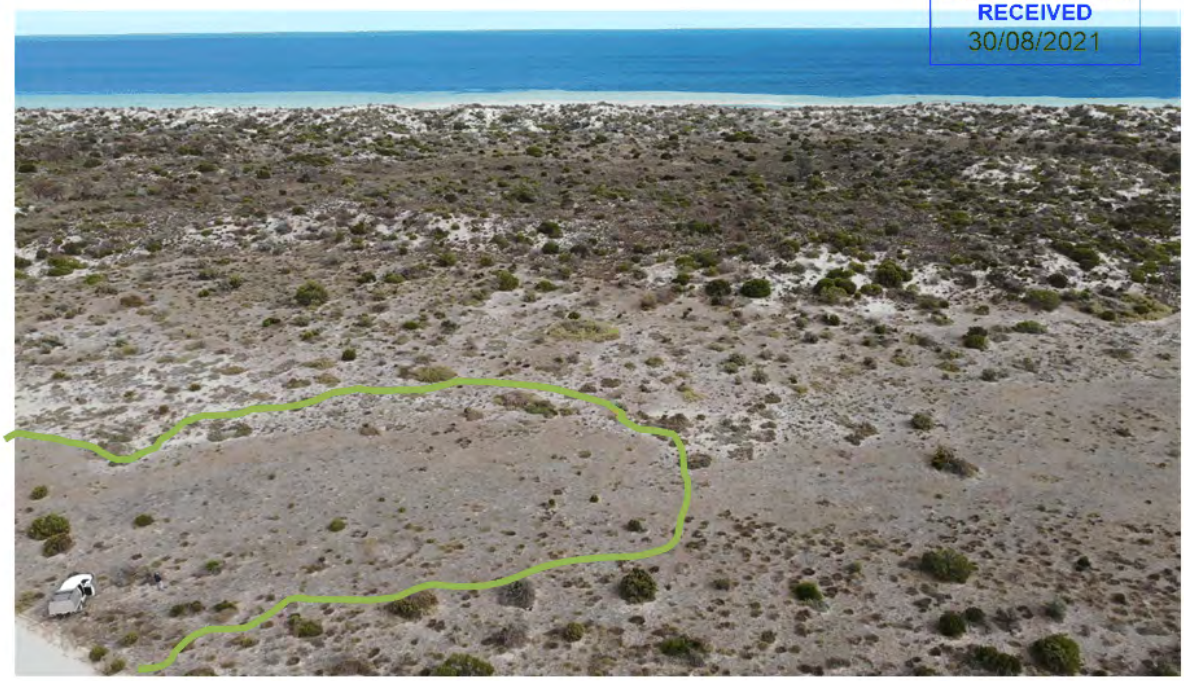

Figure 8. Approximate area utilised as development footprint.

Threatened Species assessment

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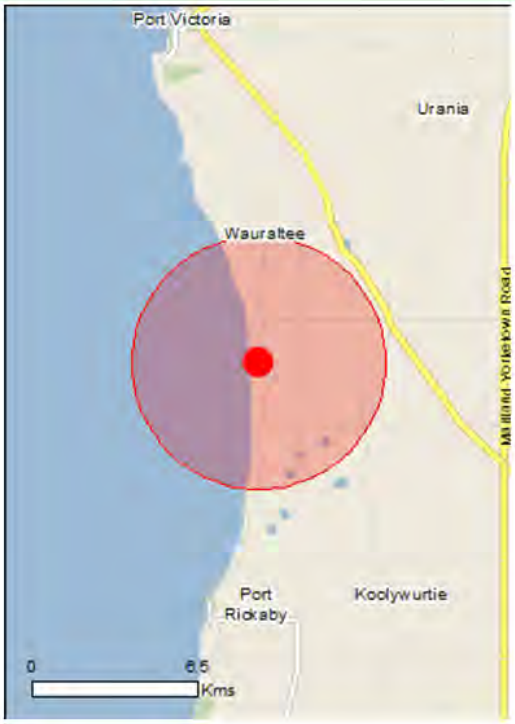
A total of 37 listed threatened species and 39 migratory species were identified by the EPBC Act PMST report as potentially occurring or having suitable habitat potentially occurring within 5 km of the Project area (Table 3) (DAWE 2020).

Table 3. EPBC Act PMST report results summary.

Search area (5 km buffer)	Matters of national environmental significance under the EPBC Act	Identified within the search area
	World heritage properties	None
	National heritage properties	None
	Wetlands of international importance	None
	Great Barrier Reef marine park	None
	Commonwealth marine area	None
	Threatened ecological communities	1
	Listed Threatened species	37
	Migratory species	39
	Commonwealth land	None
	Commonwealth heritage places	None
	Listed marine species	71
	Whales and other cetaceans	11
	Critical habitats	None
	Commonwealth reserves terrestrial	None
	Commonwealth reserves marine	None
	State and Territory reserves	None
	Regional forest agreements	None
	Invasive species	19
	Nationally important wetlands	None
	Key ecological features (marine)	None

Threatened ecological communities.

Two threatened ecological communities (TEC's) were identified in the PMST as potentially occurring within 5 km of the Project areas (Table 4). No TEC's were recorded within the Project area during the field survey.

Table 4. The threatened ecological communities identified in the PMST and their likelihood of presence within the Project areas.

Threatened Ecological Community	EPBC Status	Likelihood of occurrence in the Project areas
Subtropical and Temperate Coastal Saltmarsh	VU	Community likely to occur within area. Unlikely, occurs on tidal and supra tidal zones, not present within project area

VU: Vulnerable EPBC Act

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Nationally threatened flora

Four nationally threatened flora species were identified in the PMST as potentially occurring within 5 km of the Project areas (Table 5). None of these species was identified in the BDBSA search as being previously recorded within 5 km of the Project areas since 1995.

State threatened flora.

One threatened flora species listed under the NPW Act was identified in the BDBSA search as being previously recorded within 5 km of the Project area since 1995 (Table 5 & **Error! Reference source not found.**). This species was:

- *Myoporum parvifolium* (Creeping Boobialla) (NP&W Act: Rare).

This species may possibly occur within the project based on the available habitat and semi-intact nature of the vegetation.

Table 5. Threatened flora species potentially occurring within the Project areas identified in the PMST and BDBSA.

Species (common name)	NP&W Act	EPBC Act	Data source	Date of last record	Species known habitat preferences	Likelihood of use for habitat – Comments
Caladenia brumalis		VU	5	None	On Yorke Peninsula, the species has been recorded as growing in the following vegetation associations: *Melaleuca uncinata* shrubland over low shrubs, *Acacia cupularis* (mixed) shrubland over shrubs, *Allocasuarina verticillata* woodland over tall shrubs and low shrubs, *Eucalyptus diversifolia* subsp. *diversifolia* mallee woodland over shrubs and forbs and *Eucalyptus cladocalyx* woodland.	Unlikely within dev footprint possible in better condition south.
Caladenia conferta		EN	5	None	Occurs in coastal mallee and woodland.	Unlikely
Caladenia tensa (Greencomb Spider-orchid)	E	EN	5	None	Bates (2009) considers this species to be widespread in SA from the west coast, throughout Eyre Peninsula and adjacent pastoral zone, the Flinders Ranges, rare in the Mt Lofty Ranges and more common in the Murray and upper south-east. The Green-comb Spider-orchid grows on red-brown sandy loams on rises in open woodland dominated by Yellow Gum (*Eucalyptus leucoxylon* and Rottnest Island Pine (*Callitris preissii*).	Unlikely – No previous records (BDBSA) within 5 km and no suitable habitat occurs within the Project areas.
Myoporum parvifolium (Creeping Boobialla)	R		4	15/10/2004	Known from coastal habitat at Port Rickaby south of the project area. Throughout its natural habitat, the plant is mainly seen growing alongside river flats, limestone cliffs, and in woodlands.	Unlikely within dev footprint Possibly occurs in surrounding area. Not recorded during survey.
Senecio macrocarpus (Large Fruit Fireweed))	V	VU	5	None	Occurs in a variety of habitats, including grasslands, sedgelands, shrublands and woodlands, generally on sparsely vegetated sites on sandy loam to heavy clay soils, often in depressions that are waterlogged in winter. Observations and specific studies of *S. macrocarpus* in native grasslands suggest that competition from other plant species is important in determining the distribution and persistence of *S. macrocarpus*. In almost all areas where the species currently occurs, competition from other understorey plants is relatively light, either as a result of the physical and floristic characteristics of the site, or due to regular burning.	Unlikely

Conservation status: Aus: Australia (*Environment Protection and Biodiversity Conservation Act 1999*). SA: South Australia (*National Parks and Wildlife Act 1972*). Conservation codes: CE: Critically Endangered. EN/E: Endangered. VU/V: Vulnerable. R: Rare. ssp.: the conservation status applies at the sub-species level.

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Nationally threatened fauna

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Nine fauna species including 26 birds and three mammals, 3 reptiles and one shark listed as threatened under the EPBC Act were identified in the PMST as potentially occurring or having suitable habitat potentially occurring within 5 km of the Project areas (Table 6). One species was identified in the BDBSA Supertable search as being recorded within 5km since 1995. This species was:

- *Sternula nereis nereis* (Fairy Tern) (VU: EPBC Act, E: NPW Act)

None of the species were recorded during the field survey or considered to occur within the Project areas due to a lack of preferred habitat and/or lack of previous records within the local region. The following table presents information (habitat requirements, distribution, and likelihood of occurrence) on each of the nine threatened fauna species).

Commonwealth listed migratory species.

Fifty migratory bird species were identified in the PMST as potentially occurring or having suitable habitat within the Study Area. A summary of these species and comment regarding their likelihood of occurrence within the Project Area is provided in Table 6. Due to the presence of salt flats and ephemeral ponds present adjacent to the Project Area, some of these migratory species are likely to utilise these habitats as stopover areas, or when seasonal conditions are suitable, as permanent southern hemisphere summer layover. Migratory species within the general area are most likely to be associated with the tidal coastal margins and any wetlands present within the area.

State threatened fauna.

Two threatened fauna species listed under the NPW Act were identified in the BDBSA search as being previously recorded within 5 km of the Project areas since 1995. These were:

- *Haematopus fuliginosus fuliginosus* (Sooty Oystercatcher) (R: NPW Act)
- *Haematopus longirostris* (Pied Oystercatcher) (R: NPW Act)

Table 6. Threatened migratory and fauna species potentially occurring within the Project areas identified in the PMST and BDBSA Supertable.

Species (common name)	NP&W Act	EPBC Act	Data source	Date of last record	Species known habitat preferences	Likelihood of use for habitat – Comments
Aves						
Actites hypoleucos (Common Sandpiper)	R	Mi (W)	5	None	Coastal shorebird, presence would be as stopover only as migratory species Found in coastal or inland wetlands, both saline and fresh. It is found mainly on muddy edges or rocky shores. During the breeding season in the northern hemisphere, it prefers freshwater lakes and shallow rivers	Unlikely
Apus pacificus (Fork-tailed Swift)		Mi (Ma)	5	None	Asian origin - species is aerial during its stay in Australia	Unlikely
Ardenna grisea (Sooty Shearwater)		Mi (Ma)		None	Marine only species	Unlikely
Botaurus poiciloptilus (Australasian Bittern)	E	EN	5	None	In Australia, the species occurs from south–east Queensland to south–east South Australia, Tasmania and in the south–west of Western Australia. It favours permanent and seasonal freshwater habitats.	Unlikely – No previous records (BDBSA) within 5 km and no suitable habitat occurs within the Project areas.
Calidris acuminata (Sharp-tailed Sandpiper)		Mi (W)	5	None	Prefers the grassy edges of shallow inland freshwater wetlands. It is also found around swage farms, flooded fields, mudflats, mangroves, rocky shores and beaches. Its breeding habitat in Siberia is the peat-hummock and lichen tundra of the high Arctic	Unlikely
Calidris canutus (Red Knot)		EN, Mi (W)	5	None	The Red Knot is common in all the main suitable habitats around the coast of Australia. In Australasia, the Red Knot mainly inhabit intertidal mudflats, sandflats and sandy beaches of sheltered coasts, in estuaries, bays, inlets, lagoons and harbours; sometimes on sandy ocean beaches or shallow pools on exposed wave-cut rock platforms or coral reefs. They are occasionally seen on terrestrial saline wetlands near the coast, such as lakes, lagoons, pools and pans,	Unlikely
Calidris ferruginea (Curlew Sandpiper)	E	CR Mi (W)	5	None	In South Australia, Curlew Sandpipers occur in widespread coastal and subcoastal areas east of Streaky Bay. Important sites include the former salt fields at Bolivar now part of the Adelaide International Bird Sanctuary, and The Coorong. Occurs on intertidal mudflats in sheltered coastal areas, such as estuaries, bays, inlets and lagoons, and around non-tidal swamps, lakes and lagoons near the coast, and ponds in saltworks and sewage farms.	Unlikely – No previous records (BDBSA) within 5 km and no suitable habitat occurs within the Project areas.

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Species (common name)	NP&W Act	EPBC Act	Data source	Date of last record	Species known habitat preferences	Likelihood of use for habitat – Comments
Calidris melanotus (Pectoral Sandpiper)		Mi (W)	5	None	Stopover, Pectoral Sandpiper prefers shallow fresh to saline wetlands. The species is found at coastal lagoons, estuaries, bays, swamps, lakes, inundated grasslands, saltmarshes, river pools, creeks, floodplains and artificial wetlands	Unlikely
Diomedea antipodensis (Antipodean Albatross)		VU Mi (Ma)	5	None	Pelagic Marine Species	Unlikely
Diomedea epomophora (Southern Royal Albatross)	V	VU, Mi (Ma)	5	None	Pelagic Marine Species	Unlikely
Diomedea exulans (Wandering Albatross)		VU Mi (Ma)	5	None	Pelagic Marine Species	Unlikely
Diomedea sanfordi (Northern Royal Albatross)		Mi (Ma)	5	None	Pelagic Marine Species	Unlikely
Falco hypoleucos (Grey Falcon)	R	VU	5	None	The Grey Falcon is found in low densities through much of the arid and semi-arid areas of Australia and has been recorded in all Australian mainland states and territories. The Grey Falcon inhabits woodland, shrubland and grassland in the arid and semi-arid zones, especially wooded watercourses.	Unlikely - No previous records (BDBSA) within 5 km. Most records for the Grey Falcon occur in semi-arid to arid regions within SA.
Gallinago hardwickii (Lathams Snipe)		Mi (W)	5	None	Coastal shorebird prefers vegetated wetlands.	Unlikely
Grantiella picta (Painted Honeyeater)		VU	5	None	Occur mostly in dry box-ironbark Eucalypt woodland and dry sclerophyll forest associations. Unlikely to inhabit the Project area. Nearest records south of Adelaide metro area.	Unlikely
Haematopus fuliginosus fuliginosus (Sooty Oystercatcher)	R		4	14/10/2004	Coastal shorebird, feeds exclusively along shore and near shore areas. Seldom seen off beach	Unlikely
Haematopus longirostris (Pied Oystercatcher)	R		4	14/10/2004	Coastal shorebird, feeds exclusively along shore and near shore areas. Seldom seen off beach	Unlikely
Halobaena caerulea (Blue Petrel)		VU	5		Individuals are rarely encountered inshore and offshore over the continental shelf and in pelagic waters off the shelf break. It forages in Antarctic and subantarctic waters mainly on pelagic	Unlikely

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Species (common name)	NP&W Act	EPBC Act	Data source	Date of last record	Species known habitat preferences	Likelihood of use for habitat – Comments
					crustaceans, fish, cephalopods and insects.	
Limosa lapponica baueri (Nunivak Bar-tailed Godwit)		VU Mi (W)	5		Bar-tailed Godwits arrive in Australia each year in August from breeding grounds in the northern hemisphere. Birds are more numerous in northern Australia. Bar-tailed Godwits inhabit estuarine mudflats, beaches and mangroves.	Unlikely
Macronectes giganteus (Southern Giant Petrel)		VU Mi (Ma)	5		Marine species only	Unlikely
Macronectes halli (Northern Giant Petrel)		EN Mi (Ma)	5		Marine species only	Unlikely
Motacilla cinerea (Grey Wagtail)		Mi (T)	5		Vagrant A migratory species found within Europe, Asia and North America, has been recorded in Australia infrequently. Most of these records are from northern Australia.	Unlikely
Motacilla flava (Yellow Wagtail)		Mi (T)	5	None	Vagrant Breeds in Europe and Alaska before migrating south into Asia and Africa. Regular summer visitor to northern Australia, however, has been recorded in all states.	Unlikely
Myiagra cyanoleuca (Satin Flycatcher)		Mi (T)	5	None	Known from small disjunct patches. Not within natural range for species	Unlikely
Numenius madagascariensis (Eastern Curlew)	E	CR Mi (W)	5	None	The Eastern Curlew is endemic to the East Asian – Australasian Flyway. During the non-breeding season in Australia, the Far Eastern Curlew is most associated with sheltered coasts, especially estuaries, bays, harbours, inlets, and coastal lagoons, with large intertidal mudflats or sandflats, often with beds of seagrass.	Unlikely – No previous records (BDBSA) within 5 km and no suitable habitat occurs within the Project areas.
Pachyptila turtur subantarctica (Fairy Prion)		VU	5		The Fairy Prion has a circumpolar distribution, and probably frequents subtropical waters during the non-breeding period. It has been recorded breeding on subantarctic and cool temperate islands in the Southern Hemisphere	Unlikely
Pandion haliaetus (Osprey)		Mi (W)	5	None	This species has an extremely large range, however In Australia, Ospreys are generally found in the northern coastal areas. A southern population inhabits from Kangaroo Island in South Australia, westward to the Great Australian Bight. Fish make up some 99% of the Osprey's diet.	Unlikely
Pedionomus torquatus	E	CR	5	None	Occurs at scattered sites in Queensland, New South Wales, Victoria, and South Australia. Current distribution within South	Unlikely – No previous records (BDBSA) within 5 km and no

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Species (common name)	NP&W Act	EPBC Act	Data source	Date of last record	Species known habitat preferences	Likelihood of use for habitat – Comments
(Plains-wanderer)					Australia includes, Willochra Plain north-east of Quorn, and in some adjacent areas of the southern Flinders Ranges, and north of the Barrier Highway (and west of Broken Hill) on Kalabity, Boolcoomatta, Bundera and Mulyungarie Stations.	suitable habitat occurs within the Project areas.
Pezoporus occidentalis (Night Parrot)		EN	5	None	Long thought extinct, this species historically occupied much of semi-arid and arid Australia. Habit appears to be mainly open grasslands consisting principally of Triodia in stony or sandy environments. The species is believed to be highly nomadic, moving into areas with preferred habitat when resources are good. There is a lack of intact habitat within the Project Area.	Unlikely
Phoebetria fusca (Sooty albatross)		VU (Mi (Ma)	5		Pelagic marine species	Unlikely
Pterodroma mollis (Soft Plumaged Petrel		VU			Pelagic marine species	Unlikely
Rostratula australis (Australian Painted Snipe)	E	EN	5	None	The Australian Painted Snipe has been recorded at wetlands in all states of Australia. They generally inhabit shallow terrestrial freshwater (occasionally brackish) wetlands, including temporary and permanent lakes, swamps and claypans.	Unlikely – No previous records (BDBSA) within 5 km and no suitable habitat occurs within the Project areas.
Sternula albifrons (Little Tern)		Mi (Ma)	5	None	The Little Tern is mainly coastal, being found on beaches, sheltered inlets, estuaries, lakes, sewage farms, lagoons, river mouths and deltas.	Unlikely
Sternula nereis nereis	V	VU	1,5	02/06/2004	Within Australia, the Fairy Tern occurs along the coasts of Victoria, Tasmania, South Australia and Western Australia. The Fairy Tern nests on sheltered sandy beaches, spits and banks above the high tide line and below vegetation.	Possible as flyover
Thalassarche cauta (Shy albatross)		EN, Mi (Ma)	5		Pelagic marine species	Unlikely
Thalassarche impavida (Campbell albatross)		VU Mi (Ma)	5		Pelagic marine species	Unlikely
Thalassarche melanophris (Black Browed Albatross)		VU Mi (Ma)	5		Pelagic marine species	Unlikely
Thalassarche steadi		VU Mi	5		Pelagic marine species	Unlikely

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Species (common name)	NP&W Act	EPBC Act	Data source	Date of last record	Species known habitat preferences	Likelihood of use for habitat – Comments
White-capped albatross)		(Ma)				
Thinornis cucullatus cucullatus (Hooded Plover)	V	VU	5	None	Coastal shorebird, remaining within coastal foreshore areas. Not known from inland areas	Unlikely
Tringa nebularia (Common Greenshank)		Mi (W)	5	None	Coastal shorebird, stopover possible on migratory flyway	Unlikely
Mammalia						
Eubalaena australis (Southern Right Whale)		EN Mi (Ma)	5	None	Pelagic marine species	Unlikely
Megaptera novaeangliae (Humpback Whale)		VU	5	None	Pelagic marine species	Unlikely
Neophoca cinerea (Australian Sea Lion)		EN	5	None	May occasionally come to shore to rest as stopover. No local haul out areas.	Unlikely
Reptiles						
Caretta caretta (Loggerhead Turtle)		EN	5	None	Marine only species	Unlikely
Chelonia mydas (Green Turtle)		VU	5		Marine only species	Unlikely
Dermochelys coriacea (Leatherback Turtle)		EN	5		Marine only species	Unlikely
Sharks						
Carcharodon carcharias (Great White Shark)		VU Mi (Ma)	5		Marine only species	Unlikely

Conservation status: Aus: Australia (*Environment Protection and Biodiversity Conservation Act 1999*). SA: South Australia (*National Parks and Wildlife Act 1972*). Conservation codes: CE: Critically Endangered. EN/E: Endangered. VU/V: Vulnerable. R: Rare. ssp.: the conservation status applies at the sub-species level. Mi: Migratory species. (W): Wetland migratory species. (M): Marine migratory species. (T): Terrestrial migratory species. Ma: Marine species.

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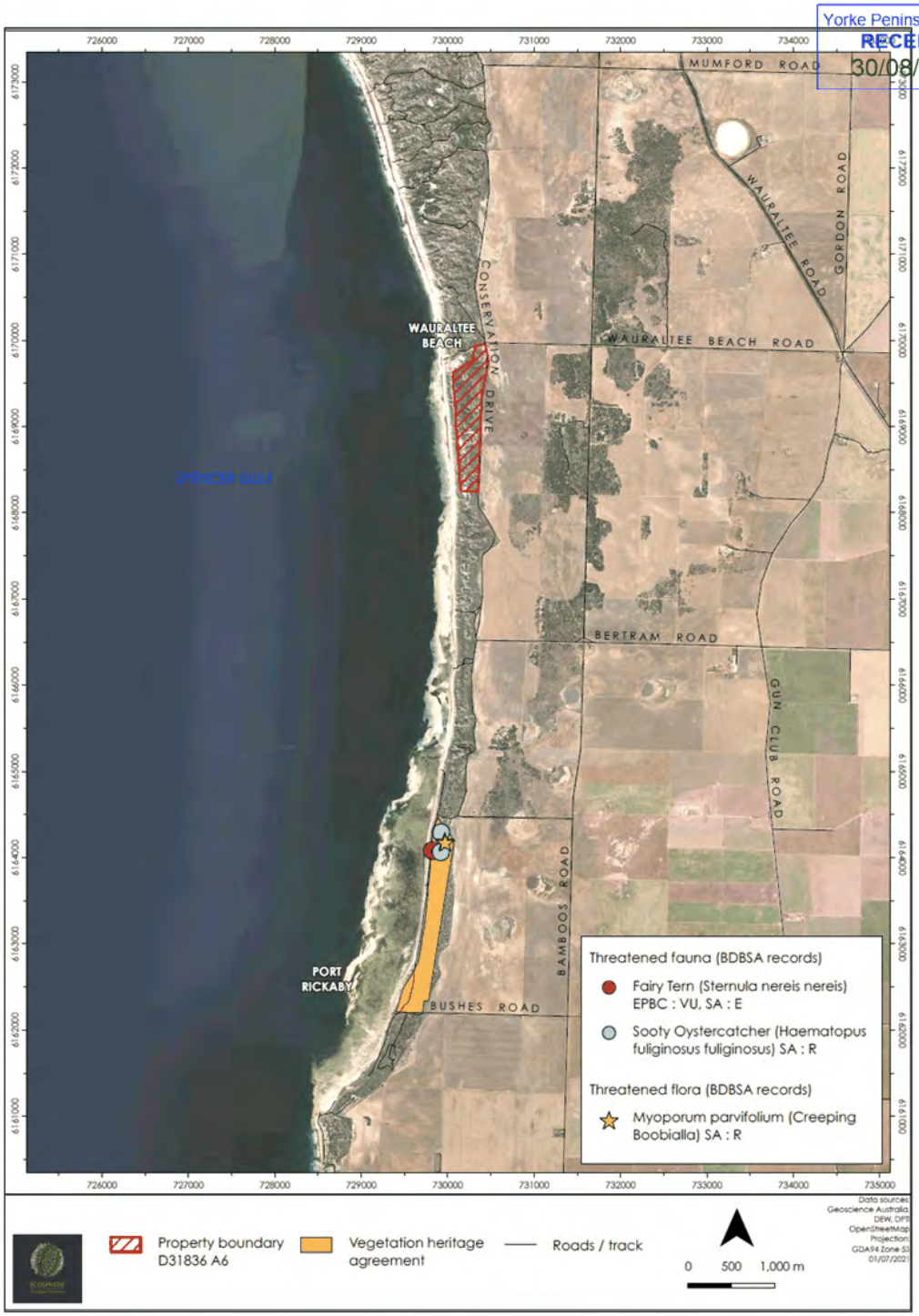

Figure 9. BDBSA Flora and fauna records within 5km of Development area.

4.2 Cumulative impact

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When exercising a power or making a decision under Division 5 of the Native Vegetation Regulations 2017, the NVC must consider the potential cumulative impact, both direct and indirect, that is reasonably likely to result from a proposed clearance activity.

Cumulative impacts to surrounding vegetation associated with clearance include potential additional dust load impacts, stormwater runoff retention, walking tracks, pest animals and weed spread.

The following management strategies should be employed to reduce the level of potential impact.:

- Maintain reduced speed limits on road to reduce raising of dust. Use hard surface materials such as gravel for access roads.
- All stormwater runoff from tanks should be directed into contained sump/wetland soak to ensure weed growth is not encouraged by spilling out onto ground across wide areas.
- No new formal walking tracks to be constructed anywhere external to the building envelope and CFS buffer zone.
- No vehicle access to any areas outside of residence, facilities such as sheds and CFS buffers.
- Ensure rubbish is contained to prevent additional food sources for pest species with specific reference to cats and foxes.
- Engage with regional landscape management boards and participate in co-ordinated pest animal control programs on an ongoing basis.
- Amenity plantings around the residence should exclude species known to spread rapidly within coastal sand dune environments. Species of specific concern generally to avoid are succulent species and coastal daisies however of particular concern and occasionally cultivars are available in nurseries such as bunnings:
    - *Cotyledon sp* (Cotyledon)
    - *Polygala myrtifolia* (Milkwort)
    - *Gazania*
    - *Aloe spp.* (Agave)
    - *Argyranthemum* (Seaside Daisy)
    - *Euphorbia spp.* (Cultivars of any type)
    - *Osteospermum spp.* (Seascape Daisies)
- Undertake weed management practices to reduce weed load in vicinity as well as woody weed control in surrounding dunes.

4.3 Address the Mitigation Hierarchy

When exercising a power or making a decision under Division 5 of the Native Vegetation Regulations 2017, the NVC must have regard to the mitigation hierarchy. The NVC will also consider, with the aim to minimize, impacts on biological diversity, soil, water and other natural resources, threatened species or ecological communities under the EPBC Act or listed species under the NP&W Act.

a) Avoidance – outline measures taken to avoid clearance of native vegetation

The selection for the location has been carefully assessed to ensure the minimum possible impact to native vegetation within the allotment. Site selection was based on the following criteria:

- External to sensitive semi mobile dunes
- External to any areas of sensitive vegetation community composition
- Located in area of poorest quality vegetation available.

b) Minimization – if clearance cannot be avoided, outline measures taken to minimize the extent, duration and intensity of impacts of the clearance on biodiversity to the fullest possible extent (whether the impact is direct, indirect or cumulative).

Minimisation has occurred through:

- Locating building close to existing access roads to minimise need for additional access tracks.

- Locating central to poorest quality vegetation of lowest cover to minimise additional clearance requirements for CFS Buffers.

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c) Rehabilitation or restoration – outline measures taken to rehabilitate ecosystems that have been degraded, and to restore ecosystems that have been degraded, or destroyed by the impact of clearance that cannot be avoided or further minimized, such as allowing for the re-establishment of the vegetation.

Woody weed and other declared species will be controlled within the property as part of an overarching management plan for the property to ensure no impacts to coastal conservation occur. Specifically targeted woody weeds will be:

- *Lycium ferocissimum* (African Boxthorn)
- *Acacia cyclops* (Western eye Wattle)

d) Offset – any adverse impact on native vegetation that cannot be avoided or further minimized should be offset by the achievement of a significant environmental benefit that outweighs that impact.

Pending approval, the offset will be provided as an on-ground offset.

4.5 Principles of Clearance (Schedule 1, *Native Vegetation Act 1991*)

The Native Vegetation Council will consider Principles 1(b), 1(c) and 1(d) when assigning a level of Risk under Regulation 16 of the Native Vegetation Regulations. The Native Vegetation Council will consider all the Principles of clearance of the Act as relevant, when considering an application referred under the *Planning, Development and Infrastructure Act 2016*.

Principle of clearance	Relevant information	Assessment against the principles	Moderating factors that may be considered by the NVC
Principle 1b - significance as a habitat for wildlife	It is unlikely that the development footprint provides significant habitat for any threatened species. The area is largely degraded and has low cover of shrubs, sedges and grasses. Threatened Fauna Score: 0.08 Unit biodiversity Score:29.09	Seriously at Variance Score of >0.05	None of the species within the threatened fauna records utilise this habitat. They are coastal species and forage along the water's edge or in marine areas.
Principle 1c - plants of a rare, vulnerable or endangered species	No threatened flora species were recorded during the survey or were considered likely to occur within the development area due to highly degraded vegetation community present within the area.	Not At Variance	
Principle 1d - the vegetation comprises the whole or part of a plant community that is Rare,	No threatened communities exist within the development footprint.	Not at variance	

Vulnerable or endangered:			

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4.6 Risk Assessment

Determine the level of risk associated with the application

Total clearance	No. of trees	N/A
	Area (ha)	0.36
	Total biodiversity Score	10.47
Seriously at variance with principle 1(b), 1(c) or 1 (d)		Seriously at variance with 1b
Risk assessment outcome		Level 3

5. Clearance summary

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Clearance Area(s) Summary table

Block	Site	Species diversity score	Threatened Ecological community Score	Threatened plant score	Threatened fauna score	UBS	Area (ha)	Total Biodiversity score	Loss factor	Loadings	Reductions	SEB Points required	SEB payment	Admin Fee
1	1	20	1	0	0.08	29.09	0.36	10.47	1			11.00	$5,047.29	$277.60
						Total	**0.36**	**10.47**				**11.00**	**$5,047.29**	**$277.60**

Economies of Scale Factor	0.5
Rainfall (mm)	353

6. Significant Environmental Benefit

A Significant Environmental Benefit (SEB) is required for approval to clear under Division 5 of the *Native Vegetation Regulations 2017*. The NVC must be satisfied that as a result of the loss of vegetation from the clearance that an SEB will result in a positive impact on the environment that is over and above the negative impact of the clearance.

ACHIEVING AN SEB

Indicate how the SEB will be achieved by ticking the appropriate box and providing the associated information:

☒ Establish a new SEB Area on land owned by the proponent.

☐ Use SEB Credit that the proponent has established. Provide the SEB Credit Ref. No. _____

☐ Apply to have SEB Credit assigned from another person or body. The application form needs to be submitted with this Data Report.

☐ Apply to have an SEB to be delivered by a Third Party. The application form needs to be submitted with this Data Report.

☐ Pay into the Native Vegetation Fund.

ON-GROUND SEB

SEB Management Plan

The Management Plan for the proposed SEB area is attached in the appendices.

7. Appendices

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Appendix 1. BDBSA fauna species records within 5km of site.

Species	Common	AUS	SA	Most Recent Sighting
Acanthagenys rufogularis	Spiny-cheeked Honeyeater			8/12/2005
Acanthiza apicalis	Inland Thornbill			14/10/2004
Anthus australis	Australian Pipit			12/10/2004
Artamus cyanopterus	Dusky Woodswallow			14/10/2004
Calidris ruficollis	Red-necked Stint			14/10/2004
Chroicocephalus novaehollandiae	Silver Gull			14/10/2004
Cincloramphus cruralis	Brown Songlark			12/10/2004
Colluricincla harmonica	Grey Shrikethrush			14/10/2004
Coracina novaehollandiae	Black-faced Cuckooshrike			14/10/2004
Corvus mellori	Little Raven			14/10/2004
Cracticus torquatus leucopterus	Grey Butcherbird			14/10/2004
Ctenotus orientalis	Spotted Ctenotus			15/10/2004
Daphoenositta chrysoptera pileata	Black-capped Sittella			14/10/2004
Demansia psammophis	Yellow-faced Whipsnake			13/10/2004
Diplodactylus furcosus	Ranges Stone Gecko			13/10/2004
Egretta novaehollandiae	White-faced Heron			2/06/2004
Eolophus roseicapilla	Galah			14/10/2004
Eremiascincus richardsonii	Broad-banded Sandswimmer			15/10/2004
Falco cenchroides	Nankeen Kestrel			12/10/2004
Gavicalis virescens	Singing Honeyeater			14/10/2004
Gymnorhina tibicen	Australian Magpie			14/10/2004
Haematopus fuliginosus fuliginosus	Sooty Oystercatcher		R	14/10/2004
Haematopus longirostris	Pied Oystercatcher		R	14/10/2004
Hemiergis peronii	Four-toed Earless Skink			15/10/2004
Hydroprogne caspia	Caspian Tern			14/10/2004
Larus pacificus	Pacific Gull			14/10/2004
Lasiorhinus latifrons	Southern Hairy-nosed Wombat			14/10/2004
Lepus europaeus	European Brown Hare			19/06/2004
Lerista dorsalis	Southern Four-toed Slider			15/10/2004
Lerista edwardsae	Myall Slider			15/10/2004
Lerista terdigitata	Southern Three-toed Slider			15/10/2004
Malurus assimilis assimilis	Purple-backed Fairywren			14/10/2004
Manorina flavigula	Yellow-throated Miner	ssp	ssp	14/10/2004
Melithreptus brevirostris	Brown-headed Honeyeater			14/10/2004
Menetia greyii	Dwarf Skink			15/10/2004
Microeca fascinans	Jacky Winter		ssp	14/10/2004
Mus musculus	House Mouse			13/10/2004
Ocyphaps lophotes	Crested Pigeon			14/10/2004
Oryctolagus cuniculus	Rabbit (European Rabbit)			12/10/2004

Species	Common	AUS	SA	Most Recent Sighting
Pachycephala rufiventris rufiventris	Rufous Whistler			14/10/2004
Pardalotus punctatus xanthopyge	Yellow-rumped Pardalote			12/10/2004
Pardalotus striatus substriatus	Striated Pardalote			14/10/2004
Passer domesticus domesticus	House Sparrow			12/02/2021
Pelecanus conspicillatus	Australian Pelican			12/10/2004
Pomatostomus superciliosus	White-browed Babbler			14/10/2004
Psephotus haematonotus haematonotus	Red-rumped Parrot (eastern SA except NE)			14/10/2004
Pseudonaja sp.				14/10/2004
Rhipidura leucophrys leucophrys	Willie Wagtail			8/12/2005
Sericornis maculatus mellori	Spotted scrubwren (subspecies mellori)			14/10/2004
Smicrornis brevirostris	Weebill			14/10/2004
Sternula nereis nereis	Fairy Tern	VU	E	2/06/2004
Sturnus vulgaris vulgaris	Common Starling			14/10/2004
Tiliqua rugosa	Sleepy Lizard			12/02/2021
Underwoodisaurus milii	Common Barking Gecko			14/10/2004
Vanellus miles	Masked Lapwing			12/10/2004
Vombatus sp.				23/12/2001
Vulpes vulpes	Fox (Red Fox)			15/10/2004
Zosterops lateralis	Silvereye			14/10/2004

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Appendix 2. BDBSA Flora Species records within 5km of site.

Species	Common	AUS	SA	Most Recent Sighting
Acacia cupularis	Cup Wattle			11/11/2005
Acacia cyclops	Western Coastal Wattle			23/07/2014
Acacia ligulata	Umbrella Bush			2/07/2014
Acacia nematophylla	Coast Wallowa			11/11/2005
Acacia oswaldii	Umbrella Wattle			23/07/2014
Acacia sp.	Wattle			2/07/2014
Acrotriche patula	Prickly Ground-berry			15/10/2004
Agave americana	Century Plant			23/07/2014
Allocasuarina muelleriana ssp. muelleriana	Common Oak-bush			11/11/2005
Allocasuarina verticillata	Drooping Sheoak			3/07/2014
Alyxia buxifolia	Sea Box			23/07/2014
Arctotheca calendula	Cape Weed			23/07/2014
Asparagus asparagoides f. asparagoides	Bridal Creeper			3/07/2014
Asphodelus fistulosus	Onion Weed			23/07/2014
Asteridea athrixioides	Wirewort			15/10/2004
Asteridea athrixioides f. (NC)	Wirewort			15/10/2004
Asteriscus spinosus	Golden Pallensis			23/07/2014
Atriplex paludosa ssp. cordata	Marsh Saltbush			2/07/2014
Austrostipa acrociliata	Graceful Spear-grass			23/07/2014
Austrostipa drummondii	Cottony Spear-grass			15/10/2004
Austrostipa elegantissima	Feather Spear-grass			15/10/2004

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Species	Common	AUS	SA	Most Recent Sighting
Austrostipa eremophila	Rusty Spear-grass			11/11/2005
Austrostipa flavescens	Coast Spear-grass			15/10/2004
Austrostipa scabra ssp. falcata	Slender Spear-grass			15/10/2004
Austrostipa sp.	Spear-grass			23/07/2014
Avellinia festucoides	Avellinia			15/10/2004
Avena barbata	Bearded Oat			11/11/2005
Avena sp.	Oat			23/07/2014
Beyeria lechenaultii	Pale Turpentine Bush			15/10/2004
Brachyscome ciliaris var. ciliaris	Variable Daisy			15/10/2004
Brachyscome lineariloba	Hard-head Daisy			15/10/2004
Brassica tournefortii	Wild Turnip			11/11/2005
Bromus diandrus	Great Brome			11/11/2005
Bromus madritensis	Compact Brome			11/11/2005
Bromus rubens	Red Brome			15/10/2004
Bromus sp.	Brome			23/07/2014
Bulbine semibarbata	Small Leek-lily			15/10/2004
Bupleurum semicompositum	Hare's Ear			15/10/2004
Bursaria spinosa ssp.	Bursaria			11/11/2005
Callitris gracilis	Southern Cypress Pine			11/11/2005
Carpobrotus modestus/rossii	Native Pigface			2/07/2014
Carpobrotus rossii	Native Pigface			11/11/2005
Carpobrotus rossii (NC)	Native Pigface			15/10/2004
Carrichtera annua	Ward's Weed			23/07/2014
Cassinia arcuata (NC)	Drooping Cassinia			23/07/2014
Casuarina glauca	Grey Buloak			23/07/2014
Catapodium rigidum	Rigid Fescue			15/10/2004
Centaurium maritimum	Sea Centaury			11/11/2005
Centaurium tenuiflorum (NC)	Branched Centaury			15/10/2004
Clematis microphylla	Old Man's Beard			2/07/2014
Clematis microphylla var. microphylla (NC)	Old Man's Beard			15/10/2004
Comesperma volubile	Love Creeper			11/11/2005
Convolvulus angustissimus ssp. peninsularum (NC)	Narrow-leaf Bindweed			15/10/2004
Convolvulus erubescens complex				11/11/2005
Crassula colligata ssp. lamprosperma				15/10/2004
Crassula colorata var. colorata	Dense Crassula			15/10/2004
Cruciferae sp.	Cress Family			23/07/2014
Cynara cardunculus ssp. flavescens	Artichoke Thistle			2/07/2014
Daucus glochidiatus	Native Carrot			15/10/2004
Dianella brevicaulis	Short-stem Flax-lily			11/11/2005
Dianella brevicaulis/revoluta var.	Black-anther Flax-lily			2/07/2014
Ehrharta villosa var. maxima	Pyp Grass			2/07/2014
Einadia nutans ssp. nutans	Climbing Saltbush			15/10/2004
Enchylaena tomentosa var.	Ruby Saltbush			23/07/2014

Species	Common	AUS	SA	Most Recent Sighting
Enchylaena tomentosa var. tomentosa	Ruby Saltbush			15/10/2004
Eremophila glabra ssp.	Tar Bush			3/07/2014
Eucalyptus brachycalyx	Gilja			3/07/2014
Eucalyptus gracilis	Yorrell			3/07/2014
Eucalyptus phenax ssp.				2/07/2014
Eucalyptus porosa	Mallee Box			23/07/2014
Eucalyptus socialis ssp.	Beaked Red Mallee			3/07/2014
Eucalyptus sp.				23/07/2014
Euphorbia paralias	Sea Spurge			11/11/2005
Euphorbia terracina	False Caper			3/07/2014
Eutaxia microphylla	Common Eutaxia			15/10/2004
Exocarpos aphyllus	Leafless Cherry			3/07/2014
Exocarpos syrticola	Coast Cherry			11/11/2005
Ficinia nodosa	Knobby Club-rush			11/11/2005
Frankenia pauciflora var.	Southern Sea-heath			2/07/2014
Gahnia lanigera	Black Grass Saw-sedge			11/11/2005
Gahnia sp.	Saw-sedge			2/07/2014
Galium migrans ssp. migrans	Loose Bedstraw			15/10/2004
Galium murale	Small Bedstraw			11/11/2005
Geijera linearifolia	Sheep Bush			23/07/2014
Genoplesium sp.	Midge Orchid			17/04/2010
Gnaphalium indutum ssp. indutum	Tiny Cudweed			15/10/2004
Goodenia willisiana	Silver Goodenia			15/10/2004
Gramineae sp.	Grass Family			2/07/2014
Haloragis acutangula f.	Smooth Raspwort			15/10/2004
Helichrysum leucopsideum	Satin Everlasting			11/11/2005
Heliotropium europaeum	Common Heliotrope			11/11/2005
Hordeum glaucum	Blue Barley-grass			15/10/2004
Hordeum sp.	Barley-grass			23/07/2014
Hypochaeris radicata	Rough Cat's Ear			11/11/2005
Isolepis marginata	Little Club-rush			15/10/2004
Kennedia prostrata	Scarlet Runner			15/10/2004
Lagurus ovatus	Hare's Tail Grass			2/07/2014
Lawrencia squamata	Thorny Lawrencia			2/07/2014
Lepidosperma concavum (NC)	Spreading Sword-sedge			15/10/2004
Lepidosperma congestum				11/11/2005
Lepidosperma sp.	Sword-sedge/Rapier-sedge			2/07/2014
Leucopogon parviflorus	Coast Beard-heath			15/10/2004
Limonium companyonis	Sea-lavender			2/07/2014
Linum strictum ssp. strictum	Upright Yellow Flax			11/11/2005
Lolium rigidum	Wimmera Ryegrass			11/11/2005
Lomandra effusa	Scented Mat-rush			23/07/2014
Lomandra multiflora ssp. dura	Hard Mat-rush			23/07/2014
Lycium ferocissimum	African Boxthorn			23/07/2014
Lysiana exocarpi ssp. exocarpi	Harlequin Mistletoe			11/11/2005

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Species	Common	AUS	SA	Most Recent Sighting
Lysimachia arvensis	Pimpernel			11/11/2005
Maireana oppositifolia	Salt Bluebush			11/11/2005
Malvaceae sp.				23/07/2014
Marrubium vulgare	Horehound			23/07/2014
Medicago polymorpha	Burr-medic			15/10/2004
Medicago sp.	Medic			2/07/2014
Medicago truncatula	Barrel Medic			15/10/2004
Melaleuca lanceolata	Dryland Tea-tree			23/07/2014
Melilotus indicus	King Island Melilot			11/11/2005
Mesembryanthemum crystallinum	Common Iceplant			11/11/2005
Mesembryanthemum nodiflorum	Slender Iceplant			15/10/2004
Microseris lanceolata	Yam Daisy			15/10/2004
Minuartia mediterranea	Slender Sandwort			15/10/2004
Minuria leptophylla	Minnie Daisy			15/10/2004
Moraea setifolia	Thread Iris			15/10/2004
Muehlenbeckia gunnii	Coastal Climbing Lignum			2/07/2014
Myoporum brevipes	Warty Boobialla			2/07/2014
Myoporum insulare	Common Boobialla			15/10/2004
Myoporum parvifolium	Creeping Boobialla		R	15/10/2004
Nitraria billardierei	Nitre-bush			23/07/2014
Olea europaea ssp.	Olive			23/07/2014
Olearia axillaris	Coast Daisy-bush			2/07/2014
Oxalis pes-caprae	Soursob			23/07/2014
Parapholis incurva	Curly Ryegrass			15/10/2004
Picris angustifolia ssp. angustifolia (NC)	Coast Picris			15/10/2004
Picris sp.	Picris			11/11/2005
Pimelea serpyllifolia ssp. serpyllifolia	Thyme Riceflower			2/07/2014
Pinus halepensis	Aleppo Pine			23/07/2014
Pittosporum angustifolium	Native Apricot			23/07/2014
Plantago sp. B (R.Bates 44765)	Little Plantain			15/10/2004
Poa labillardieri var. labillardieri	Common Tussock-grass			11/11/2005
Poa poiformis var. poiformis	Coast Tussock-grass			15/10/2004
Poa sp.	Meadow-grass/Tussock-grass			11/11/2005
Pogonolepis muelleriana	Stiff Cup-flower			15/10/2004
Poranthera triandra	Three-petal Poranthera			15/10/2004
Prasophyllum odoratum	Scented Leek-orchid			15/10/2004
Prasophyllum odoratum (NC)	Scented Leek-orchid			15/10/2004
Pterostylis mutica	Midget Greenhood			15/10/2004
Pultenaea tenuifolia	Narrow-leaf Bush-pea			15/10/2004
Reichardia tingitana	False Sowthistle			2/07/2014
Rhagodia candolleana ssp. candolleana	Sea-berry Saltbush			3/07/2014
Roepera sp.	Twinleaf			2/07/2014
Romulea sp.	Onion-grass			23/07/2014
Rostraria cristata	Annual Cat's-tail			15/10/2004
Rytidosperma caespitosum (NC)	Common Wallaby-grass			11/11/2005

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Species	Common	AUS	SA	Most Recent Sighting
Rytidosperma sp.	Wallaby-grass			23/07/2014
Salvia verbenaca var.	Wild Sage			23/07/2014
Salvia verbenaca var. verbenaca	Wild Sage			15/10/2004
Santalum acuminatum	Quandong			2/07/2014
Scabiosa atropurpurea	Pincushion			2/07/2014
Scaevola spinescens	Spiny Fanflower			23/07/2014
Sebaea ovata	Yellow Sebaea			15/10/2004
Senecio glossanthus	Annual Groundsel			15/10/2004
Senecio glossanthus (NC)	Annual Groundsel			15/10/2004
Senecio pinnatifolius (NC)	Variable Groundsel			11/11/2005
Senecio sp.	Groundsel			2/07/2014
Senna artemisioides ssp. petiolaris				2/07/2014
Senna artemisioides ssp. X coriacea	Broad-leaf Desert Senna			23/07/2014
Silene nocturna	Mediterranean Catchfly			15/10/2004
Sonchus oleraceus	Common Sow-thistle			23/07/2014
Stellaria media	Chickweed			15/10/2004
Tecticornia halocnemoides ssp.	Grey Samphire			2/07/2014
Tecticornia pergranulata ssp. pergranulata	Black-seed Samphire			2/07/2014
Tecticornia sp.	Samphire			2/07/2014
Tetragonia implexicoma	Bower Spinach			3/07/2014
Themeda triandra	Kangaroo Grass			3/07/2014
Threlkeldia diffusa	Coast Bonefruit			23/07/2014
Thysanotus baueri	Mallee Fringe-lily			15/10/2004
Thysanotus patersonii	Twining Fringe-lily			15/10/2004
Urospermum picroides	False Hawkbit			15/10/2004
Vittadinia cuneata var. cuneata	Fuzzy New Holland Daisy			15/10/2004
Vulpia myuros f. myuros	Rat's-tail Fescue			15/10/2004
Wahlenbergia gracilenta	Annual Bluebell			15/10/2004
Westringia rigida	Stiff Westringia			15/10/2004
Wurmbea dioica ssp. brevifolia	Early Nancy			15/10/2004
Zygophyllum ammophilum (NC)	Sand Twinleaf			15/10/2004

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NATIVE VEGETATION MANAGEMENT PLAN

Agreement between the

NATIVE VEGETATION COUNCIL
&
MR PAT ROCCA

for

A Significant Environmental Benefit pursuant the *Native Vegetation Act 1991* or the *Native Vegetation Regulations 2017*

Native Vegetation Council

GPO Box 1047
Adelaide SA 5001

Ph| 08 8303 9777
Fx| 08 8303 9780

nvc@sa.gov.au

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Section 1 Management Plan

1.1 Land Owner and Location Details

Registered Owner	**Mr. Pat Rocca**
Postal address	**Lot 6 Conservation Drive, Wauraltee**
The Owner is the registered proprietor of:	Allotment 6 in Deposited Plan 31836 Certificate of Title Vol 5414 Fol 102 Hundred of Wauraltee
Local Government area	District Council of Yorke Peninsula
NRM region	Northern and Yorke
Manager	Pat Rocca

1.2 Management Plan

1. In this Plan, unless the contrary intention appears –
   a. "Native Fauna" means an animal or animals of a species indigenous to South Australia:

      "SEB Area" means an area of land that is protected and managed for conservation to provide a significant environmental benefit to offset the impacts of clearance of native vegetation that has been approved or may be approved sometime in the future.

      "Owner" means the person who has executed this Agreement as the proprietor of the land containing the SEB Area and includes all successors in title and occupiers of the land. Where two or more persons are named as the Owner the rights and liabilities under this Agreement will pass to all such persons jointly and each of them severally;

      "the Act" means the *Native Vegetation Act 1991*.

   b. Words and phrases defined in the Act, shall for the purposes of this Agreement have the meanings defined in that Act.
2. This Management plan commences upon approval from the Native Vegetation Council (NVC) and may not be varied or terminated except by a written Agreement signed by both the NVC and the Owner.
3. This management plan is binding on, and enforceable against all owners and subsequent owners of the land described in Table 1.1 and remains operational in perpetuity or until it is rescinded by mutual agreement of the NVC and the Owner.
4. The obligation described in this management plan specifically applies to the land delineated as the "SEB area" in Map 1.3.

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5. During the term of this Agreement, the SEB area is dedicated to the conservation of native vegetation and Native Fauna on the land and, subject to this Agreement, shall not be used in a manner inconsistent with that dedication.

6. The landholder must not undertake, or permit to occur, any activity that is likely to damage, injure or endanger the native vegetation or native fauna on the SEB area.

7. In particular, the Owner shall not, without the written consent of the Native Vegetation Council, undertake or permit on the SEB area
   (a) the clearance of native vegetation;
   (b) the planting of exotic vegetation;
   (c) the construction of a building or other structure;
   (d) the grazing of stock or;
   (e) any other activity that, in the opinion of the NVC, is likely to damage, injure or endanger the native vegetation or Native Fauna on the SEB area.

8. The landholder shall notify the NVC if any activity on the land is likely to result in damage to the environment or biodiversity assets of the area or if there is any breach or potential breach of this Management plan.

9. The NVC, any agent of the NVC or any employee or contractor of the Crown, authorised by the NVC may, at any reasonable time, having first notified the landholder,
   (a) enter the SEB Area for the purpose of inspecting the land or any fence on the land;
   (b) enter the SEB Area for the purposes of monitoring the conservation values and condition of the native vegetation and Native Fauna protected by this Agreement

10. If the Owner is in breach of this Management plan, the NVC may by notice in writing served on the Owner, specify the nature of the breach and require the Owner to remedy the breach within a reasonable period of time specified in the notice.

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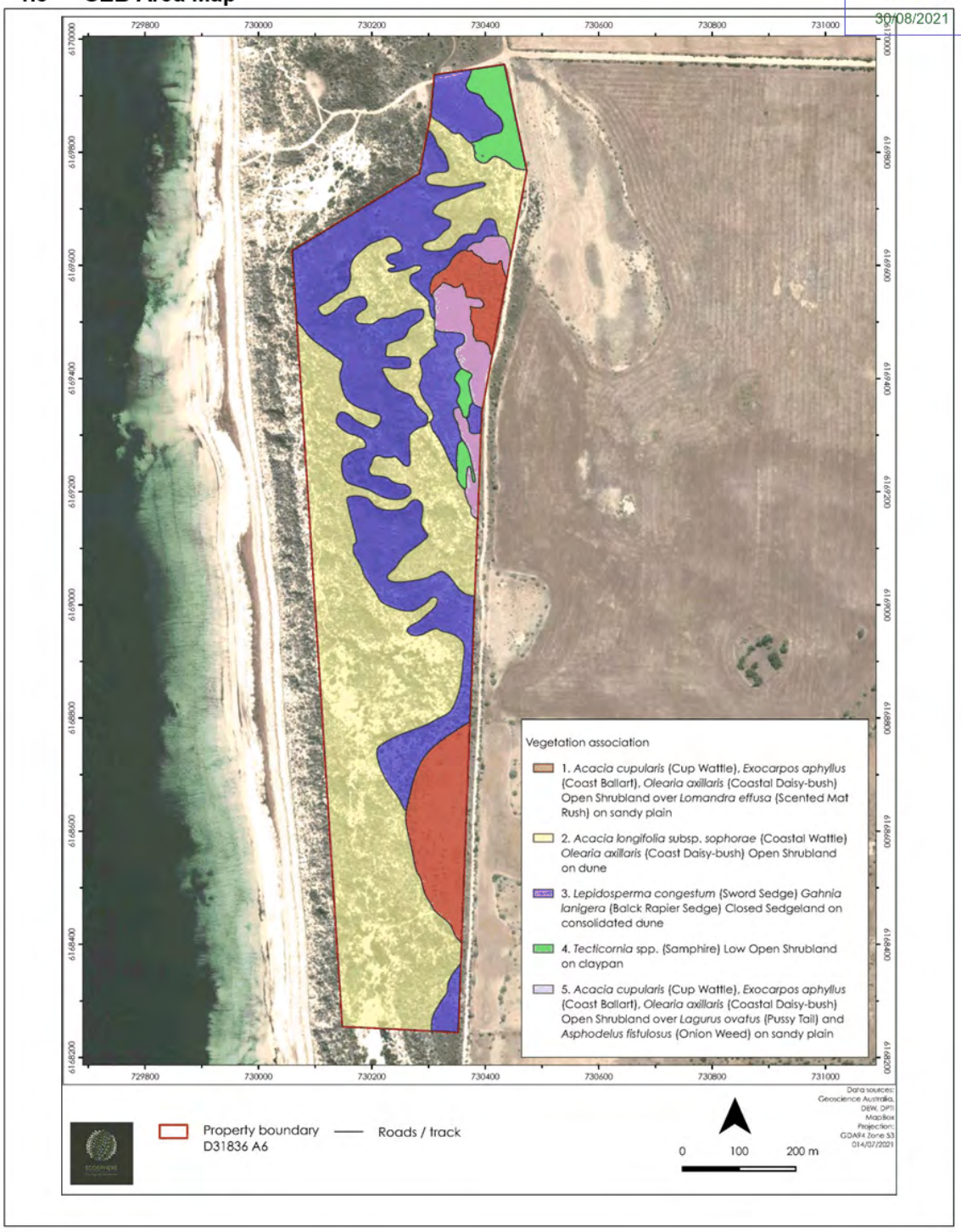
1.3 SEB Area Map



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2.1 SEB Area

Current and past land use history (including any existing covenants/caveats/agreements)
The allotment has been used as a conservation-based site and while not under any registered covenants, is publicly accessible and not open to grazing from stock. Conservation drive runs along the eastern boundary and does not stay exclusively within the cadastral road reserve and wanders in and out of the allotment for the length of the allotment. Public access to the beach occurs at the termination of Wauraltee Beach Road at the northern boundary of the allotment. Significant off road disturbance has occurred within the coastal reserve section at this point and is very loosely controlled through the use of fencing. The allotment falls within the Urania Environmental Association which is characterised by Calcrete plain with low rises and tracts of dunes. The coastline is backed by low cliffs or a complex of high dunes and salt lakes. Soils are described as friable red loams, reddish calcareous earths, brown sands, whitish calcareous sands and grey calcareous loams. The association vegetation description includes Open heath of Coast Daisy-bush, Coast Beard-heath and Coastal Wattle, Chenopod Shrubland of Samphire and Nitre Bush and Low Open Shrublands.
General description of the features of the site including Soils, Aspect & Topography (e.g. watercourse, wetland, rock outcrops, soils); important landscape attributes (e.g. joins two large remnants, adjacent a reserve)
The allotment provides valuable habitat for a diversity of native fauna species however species of conservation significance with historical records are limited to coastal species only. Forty bird species have historical records within 5km of the site. The types of landforms present include salt marsh, dunes and plains and some areas of salt marsh may provide seasonal refuge and foraging habitat for migratory wading birds however the extent is generally low. One indigenous mammal species has records within 5km of the site. The southern Hairy nosed wombat may use parts of the site for temporary refuge. No burrows were recorded within the site however this species may visit as a transient dispersal Eleven reptile species have historical records within 5km of the site. Association 1 and 3 within the site which cover an area of just under 18 hectares (40% of allotment area) would provide exceptional habitat value for reptiles. A range of introduced plant species occur in the Conservation Park including *Lycium ferocissimum*, (African Boxthorn), *Acacia cyclops* (Western Coastal Wattle) and *Asphodelus fistulosus* (Onion Weed). A number of introduced pasture species also occur and encroachment from surrounding pastoral land has occurred along the fringes of the allotment. A number of introduced fauna species have been recorded within the Allotment and surrounding areas, including Brown Hare, Rabbit, Fox, House Mouse, Sparrow and Starling. Strategies have been developed to address the pests in conjunction with the Northern and Yorke Landscape Management Board. The allotment is fenced from neighbouring private properties on its northern and southern boundaries. The eastern boundary between the allotment and the road reserve is unfenced. The eastern farm boundary is fenced excluding farm animals.

2.2 Native Vegetation

Site	Vegetation Community	Area (Ha)
Site 1	*Acacia cupularis* (Cup Wattle), *Exocarpos aphyllus* (Coast Ballart), *Olearia axillaris* (Coastal Daisy-bush) Open Shrubland over *Lomandra effusa* (Scented Mat Rush) on sandy plain	**3.89 (8.64% of total area)**
	General description. Highest quality vegetation association on allotment from a habitat perspective with direct reference to the southern portion which is of far higher quality than northern smaller patches. Concurrently also has highest density of woody weeds however most of these are easily controlled with low effort requirement. Large southern patch of association is of very high conservation value	

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Site	Vegetation Community	Area (Ha)
Site 2	*Acacia longifolia* subsp. *sophorae* (Coastal Wattle) *Olearia axillaris* (Coast Daisy-bush) Open Shrubland on dune	**24.26 (53.84% of total area)**
	General description. Typical open coastal vegetation with reasonably open habitat. Has highest disturbance within general area with informal motorcycle track. Also has high number of emergent African Boxthorn through out the area widespread but low in density.	
Site 3	*Lepidosperma congestum* (Sword Sedge) *Gahnia lanigera* (Black Rapier Sedge) Closed Sedgeland on consolidated dune	**13.87 (30.79% of total area)**
	General description. Dense sedgeland occurs on gray sands of consolidated dunes. Very high habitat value for small reptiles. Occurs in low swales and protected areas within allotment and therefore was observed to be refuge site for western Grey Kangaroos within the allotment.	
Site 4	*Tecticornia* spp. (Samphire) Low Open Shrubland on claypan	**1.34 (2.97% of total area)**
	General description. Small area as disjunct patch from larger degraded patch in adjacent paddock and smaller disjunct patches. May potentially contain water periodically and provide migratory bird habitat and refuge as stopover on migratory flight paths. Proximity to road junction and beach access potentially reduces quality of habitat due to proximity to disturbance.	
Site 5	*Acacia cupularis* (Cup Wattle), *Exocarpos aphyllus* (Coast Ballart), *Olearia axillaris* (Coastal Daisy-bush) Open Shrubland over *Lagurus ovatus* (Pussy Tail) and *Asphodelus fistulosus* (Onion Weed) on sandy plain.	**1.69 (3.75% of total area)**
	General description. Degraded area of low conservation value with very high weed density and disturbance due to past grazing and edge effects from neighboring paddocks. May naturally self-regenerate over time however annual grass density and high number of pests such as Portuguese Snail and Rabbits reduces ability of herbaceous indigenous species to regenerate successfully.	
Conservation significance of the SEB Area		
The conservation significance of the site in being a barrier between the coastline and the arable land to the east. Given threats such as sea level rise, these sites act as buffers in maintaining refuges in comparison to areas where no natural fringe remains. There is a lack of threatened flora and fauna species in the area due to the exceptionally low remnancy in the area and extent of historical clearance. Any areas left as remnants in these areas are oof extreme importance in maintain gene flow of animal and plant species within the coastal strip.		

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2.3 Threatened fauna and flora

Plant species	Common Name	Recorded during survey (Site/s)	Suitable habitat &/or BDBSA record (Y)	Conservation status		
				AUS	SA	Region
Myoporum parvifolium	*Creeping Boobialla*	No	Yes		R	RA
Fauna species						
Haematopus fuliginosus	Sooty Oystercatcher	No beach only	No		R	RA
Haematopus longirostris	Pied Oystercatcher	No, beach only	No		R	NT
Sternula nereis nereis	Fairy Tern	No	No	VU	E	EN

AUS=Australia *EPBC Act 1999*: CR = Critically Endangered, EN = Endangered, VU = Vulnerable
SA=South Australia *NPW Act 1972:* E = Endangered, V = Vulnerable, R = Rare
Region (Fauna) - RE = Regionally Extinct, CR = Critically Endangered, EN = Endangered, VU = Vulnerable, RA = Rare, NT = Near Threatened, LC = Least Concern, DD = Data Deficient, NE = Not Evaluated
Region (Plants) - E=Endangered, T=Threatened, V=Vulnerable, R=Rare, K=status uncertain, but considered likely to be either rare, vulnerable or endangered, U=Uncommon, Q=Not yet assessed but flagged as being of possible significance, N=Common

2.4 Management issues

Weeds Species	Common name	Declared weed (Y/N)	BCM Threat rating (3, 4 or 5)	Site/s
Acacia cyclops	Western Coastal Wattle	N		1, 5
Arctotheca calendula	Cape Weed	N		1, 5
Asparagus asparagoides f. asparagoides	Bridal Creeper	Declared Landscape Act - Not For Sale		1, 2, 5
Asphodelus fistulosus	Onion Weed	N		1, 2, 3, 5
Asteriscus spinosus	Golden Pallensis	N		1, 5
Avena barbata	Bearded Oat	N		1, 2, 3, 5
Brassica tournefortii	Wild Turnip	N		1, 5
Bromus diandrus	Great Brome	N		1, 5
Bromus madritensis	Compact Brome	N		1, 5
Bromus rubens	Red Brome	N		1, 5
Bupleurum semicompositum	Hare's Ear	N		1, 5
Carrichtera annua	Ward's Weed	N		5
Centaurium maritimum	Sea Centaury	N		1, 5
Ehrharta villosa var. maxima	Pyp Grass	N		2
Euphorbia paralias	Sea Spurge	N		2
Euphorbia terracina	False Caper	Declared Landscape Act - Not For Sale		1, 2, 3, 5
Hypochaeris radicata	Rough Cat's Ear	N		1, 2, 3, 5
Lagurus ovatus	Hare's Tail Grass	N		1, 2, 3, 5
Limonium companyonis	Sea-lavender	N		1, 4, 5
Linum strictum ssp. strictum	Upright Yellow Flax	N		1, 5
Lycium ferocissimum	African Boxthorn	Declared Landscape Act - Not For Sale		1, 2, 3, 5
Lysimachia arvensis	Pimpernel	N		1, 2, 3, 5
Marrubium vulgare	Horehound	Declared Landscape Act - Not For Sale		5
Medicago polymorpha	Burr-medic	N		1, 5
Mesembryanthemum crystallinum	Common Iceplant	N		4
Oxalis pes-caprae	Soursob	N		1, 2, 3, 5
Parapholis incurva	Curly Ryegrass	N		4
Reichardia tingitana	False Sowthistle	N		1, 2, 3, 5

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Weeds Species	Common name	Declared weed (Y/N)	BCM Threat rating (3, 4 or 5)	Site/s
Salvia verbenaca var. verbenaca	Wild Sage	N		5
Scabiosa atropurpurea	Pincushion	N		1, 5
Pests Species	**Common name**	**Recorded on site (Y/N)**	**Likely to occur on site (Y/N)**	**Site/s**
Passer domesticus	House Sparrow	Y	Y	All
Sturnus vulgaris vulgaris	Common Starling	Y	Y	All
Lepus europaeus	European Brown Hare	Y	Y	All
Mus musculus	House Mouse	Y	Y	All
Oryctolagus cuniculus	Rabbit (European Rabbit)	Y	Y	All
Vulpes vulpes	Fox (Red Fox)	Y	Y	All

** A weed or pest is considered a management issue if it is Declared under the NRM Act 2004 or if the weed has a BCM threat rating of 3, 4 or 5 for the region in which it is located.*

Major management issues	Is issues present (Y/N) (describe)
Stock Access	No issue
Lack of native vegetation or natural regeneration	Site is naturally regenerating however high weed density and predation from species such as rabbits
Phytophthora	No
Rubbish dumping	Potentially
Salinity, acidity, water logging or erosion	No
Grazing by native mammals	No
Public access, bike/walking trails, off-road vehicles	At fringes of area
Other (Describe)	

2.5

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Vegetation Communities

Photos of each of the vegetation communities found in the SEB Area.

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Section 3. Management commitments

3.1 Minimum Management obligations

Unless otherwise approved in writing by the Native Vegetation Council, the *'SEB Area'* as delineated in Map 1.3 must be managed in accordance with the following minimum obligations.

Stock grazing

Stock are to be permanently excluded from the SEB area at all times. Stock grazing may be permitted, on occasions in grassy ecosystems, but only if it is shown to be ecologically beneficial and undertaken in accordance with an approved management plan.

Fencing

Fencing must be maintained in a stock proof condition. Where fencing is only to standard to delineate the location of the SEB Area (e.g. one plain wire fence) or there is an unfenced boundary (e.g. a site borders a conservation reserve), the boundary needs to be monitored for stock access. If stock are able to access the area at any time, a fence will need to be constructed or upgraded.

Standing/fallen timber

Standing and fallen timber are important habitat for a range of native plant and animal species and their retention in the SEB Area is required. Woodcutting for firewood or fence posts is not permitted.

Essential commitments

The following are to be complied with at all times:

- no fertiliser application or artificial feeding;
- no soil disturbance (beyond that which is necessary for agreed management actions);
- no cropping;
- no dumping of rubbish, unwanted machinery or plant material
- no new dams or drainage alterations; and
- no rock removal
- no unnecessary vehicle access (beyond that which is required to manage the biodiversity value of the site)

Grazing of native animals

Control of native herbivores (e.g. kangaroos) must be conducted, if required, under permit from the SA Department for Water, Environment and Natural Resources.

Controlling Declared Pests

The Owner is responsible for the control and, if possible, eradication of declared plants and animals pursuant to section 174(1) of the *Natural Resources Management* Act 2004. All weed and pest control methods must:

- minimise off target damage;
- minimise soil disturbance;
- comply with the *Native Vegetation Act* 1991 and the *Natural Resources Management Act 2004*

Supplementary planting

All supplementary planting must be:

- with species indigenous to the local area;
- seed or plant material collected from as close as possible to the planting site;
- representative of the structure and composition of the pre-European vegetation community

Fire prevention

Landholders will be able to take all reasonable steps to prevent fire on their land, provided these steps are not inconsistent with their commitments under the agreement. All works must be compliant with the *Native Vegetation Act 1991* and the *Natural Resources Management Act 2004*.

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3.2 Active Management

This section details the specific management activities that will be undertaken over a period of 10 years to improve and maintain the condition of the native vegetation within the SEB Area. The 10 year active management period commences upon the execution of this agreement.

3.2.1 Action Table

This table lists the **management threats/issues** for the SEB Area/s as established in **Table 2.3**, their 10 year **objectives** (i.e. the intended outcomes upon completion of the active management period), **actions to be undertaken to address them** and the **timing** of those actions. *A summary of weed control methods is included in Appendix 3.*

Threat/issue	10-yr objective	Agreed actions	Timing
Boxthorn	Remove all woody weeds	Cut and swab all boxthorn plants primarily within dune sections (Association 2) of the allotment. May also occur in Association 3.	Spring when new growth appears
Western Coastal Wattle	Remove all woody weeds	Cut and swab all boxthorn plants within Association 1 primarily. Also occurs in association 5.	Any but during growth flushes gives best control of new growth from stump.
Rabbits	Maintain numbers at or below regional targets	Baiting programs in association with Landscape South Australia Northern and Yorke board regional targeted programs and activities.	As advised in Landscape SA programs
Foxes	Maintain numbers at or below regional targets	Baiting programs in association with Landscape South Australia Northern and Yorke board regional targeted programs and activities.	As advised in Landscape SA programs
Cats	Maintain numbers at or below regional targets	Baiting programs in association with Landscape South Australia Northern and Yorke board regional targeted programs and activities.	As advised in Landscape SA programs
Illegal tracks (motorcycle)	Keep outside of set aside area	Signage along boundary informing of conservation reserve status to deter illegal entry. Potentially strategic placement of cut boxthorns staked along high points of track or line of sight locations to deter use and stabilise exposed dune. May also have detrimental effect of creating alternate tracks. May be a SA Police matter and not manageable at landscape level.	Unknown
New weeds or pests	Prevent any new weeds or pests becoming established.	Monitor sites for any new weeds or pests. If observed, receive advice and subsequently plan and implement a control program. Monitoring to be applied as photopoint systema and weed transects.	Ongoing

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3.2.2 Revegetation

This table describes the objectives of the revegetation, the species to be planted, the means of planting (tubestock or direct seeding) and the intended densities to be established.

Intended revegetation goal / objectives
The very large majority of the allotment is intact native vegetation of good condition. No revegetation is deemed necessary for these areas. The two areas highlighted as potential development sites have regenerating vegetation naturally occurring. With weed management actions this should be allowed to continue as it has naturally over time. No areas are suffering from exposure, sand drift or erosion of any form. Revegetation is not recommended for this site.

3.2.3 Fencing

Fencing is not deemed necessary other than for defining the development footprint boundary. The level of clearance of intact vegetation required to implement fencing would be not beneficial. Stock entering the site has not been identified as a significant issue.

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3.4 Works Calendar

This table lists the threats/issues for the SEB area, the 10-year objective and the years in which works are expected to be undertaken in order to achieve the objectives.

		Year of management plan implementation									
Threat/issue	**10 Year management objective**	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**
African Boxthorn	Remove all woody weeds	✓	✓	✓	✓						
Western Coastal Wattle	Remove all woody weeds	✓	✓	✓	✓						
Feral fauna species	Maintain at or below regional strategy targets	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
New weeds	No new weeds to enter area	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Informal tracks	No vehicle or informal walking trails	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

African Boxthorn within site 3

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3.5 Monitoring and Review

Monitoring and documenting the results of your actions is required for this Management Plan. Monitoring will be undertaken in accordance with the following (tick the box that is required).

3.5.1 Standard Monitoring - ✓

Photo Points

- This requires the applicant to establish one or more photographic monitoring sites or 'photopoints' within each vegetation association or 'site', with submission of photographs and accompanying notes annually.

Works record

- This requires the applicant to fill in a Progress/Works Record Sheet, and submit these annually.

✓

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Appendix 1 Weed Control Information

This document has been adapted from a draft document, produced by the Bush Management Advisors, Department for Environment and Heritage, as an Appendix to their own Management Action Plan Guide. The NVC thanks the Bush Management Advisors for permission to reproduce and adapt this information.

Weed Control Information

CONTENTS:

1 Weed Control – a Summary of Control Methods

2 Herbicides

2.1 Terms to Become Familiar With

2.2 Active Ingredients for Bushland Weed Control

1 Weed Control – a Summary of Control Methods

Always think about weed control as a long term project. Numerous follow-up treatments will be required before weeds are fully eradicated.

To promote the replacement of weeds by native plants ensure you minimise the disturbance to existing native plants and to the soil as you control the weeds.

Always start weed control work from the area of good bush and work towards the more degraded areas.

Where native animals are using the weed infestations as habitat, for instance the Southern Brown Bandicoot often survives because of the protection afforded by dense thickets of Blackberry, remove those weeds slowly so that the habitat can be replaced by native species. You don't want to remove all of your native animals as you remove the weeds from your property.

Consider the future of the site as the weeds are removed, in relation to soil erosion and slope stability.

Many weed control options involve the use of herbicides. Keep yourself, other people and your property safe. Use herbicides only in accordance with the relevant recommendations (label, permits etc) and only treat weeds when they are actively growing. Always use the recommended safety equipment and have water available for washing should there be any herbicide contact with your skin.

Hand Pull	Tools and Equipment:	Gloves
	Safety Equipment :	None
	Especially good for soft annual weeds and seedlings of woody weeds. Firmly grip the stem of the weed near ground level and pull the root out of the ground. Beware of back injury. Care must be taken to minimise soil disturbance by for example putting one foot on the ground on either side of the weed to keep the surrounding soil from lifting up and/or waiting until after rain when the soil is wet so the plant comes up more easily.	

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Digging or Grubbing	Tools and Equipment :	Narrow trowel, small grubbing tool (like a small mattock)
	Safety Equipment :	None
	Especially useful for weeds with underground storage organs (lignotubers, bulbs etc) and individual weeds in bushland areas. Dig out the underground part of the weed and remove it from the site. The draw backs with this method include the amount of soil disturbance which can promote the establishment of other weeds at the site (this can be minimised by replacing the dislodged soil and leaf litter after the weed is removed), and if not all of the underground parts are removed the weed may resprout.	

Cut and Swab	Tools and Equipment :	Cut using secateurs, loppers, a handsaw or chainsaw depending on weed size. Herbicide application using a sponge-topped plastic bottle similar to a shoe polish bottle.
	Safety Equipment :	Safety glasses, strong rubber gloves, water for washing
	Especially useful for woody weeds. Cut the stem(s) close to or at ground level. Keep the applicator sponge clean as contact with the soil may inactivate the herbicide. Apply the herbicide to the cut stump as soon as possible after cutting and definitely within 30 seconds. Systemic herbicides are used in this method which move to and kill the roots of the weed. **Stem Scrape and Swab:** If the underground parts of the weed are extensive, more herbicide will be needed to kill it. In this case cut the stems higher above the ground and after cutting, scrape off the outer layer (skin) of the remaining part of the stem and apply herbicide to this area as well as to the cut.	

Ringbark	Tools and Equipment :	Hatchet, machete, hand saw or chainsaw.
	Safety Equipment :	Safety glasses, gloves
	Especially useful for pine trees. As close to the ground as possible chop out a 2-5cm wide section of the bark and sap wood, exposing the heart wood, to form a disk that completely encircles the tree. For pines, no herbicide need be applied. For other weeds apply herbicide as per the Cut and Swab information above. Ensure that when the tree dies and eventually falls that it will fall into safe place.	

Wipe On	Tools and Equipment :	Wick-wand, or 'Tongs of Death' and plastic squeeze bottle with a long narrow tube coming out of the lid
	Safety Equipment :	Safety glasses, strong rubber gloves, water for washing
	Especially useful for strap-leaf species such as Watsonia in areas where they are surrounded by native plants. The herbicide is applied to the wick-wand or Tongs of Death (kitchen tongs with sponges securely attached), and then the leaves of the weed are wiped. Both sides of the leaf should be coated with herbicide.	

Drill and Fill	Tools and Equipment :	Cordless/battery drill with 6mm drill bit. Plastic squeeze bottle with a long narrow tube coming out of the lid.
	Safety Equipment :	Safety glasses, strong rubber gloves, water for washing
	Especially useful for larger woody weeds. The weed is left standing after the treatment, minimising the control effort required and maximising the habitat value. Clear any low branches away to allow good access to the base of the weed. Clear soil and leaf litter away from the base of the stem. Drill a series of holes 5 – 10mm deep at a 45° angle (or steeper if possible) into the base of the stem, or into the lignotuber if it is visible. A lignotuber is a swollen part of the lower stem which is a type of storage organ. The holes should be drilled 2 - 4cm apart around the base. Fill the holes with herbicide as soon as possible after drilling. Before leaving to start on another plant check the holes and refill them with herbicide. **Frill and Fill**: A variation of the Drill and	

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	Fill method where a hatchet or machete is used to make lots of horizontal cuts all around the base of the stem so that each cut can hold the herbicide. Apply the herbicide as soon as possible after cutting.

Spot Spray	Tools and Equipment:	Hand-held spray bottle, backpack spray unit or vehicle mounted spray unit
	Safety Equipment:	Safety glasses, mask or ventilator, strong rubber gloves, water for washing, other equipment as specified on the herbicide label.
	Especially useful for large infestations and/or where off target damage to native species (eg spray drift) is unlikely. It is very important to ensure you mix the herbicide to the correct dilution for the target weed, as per the label instruction, or in some cases the Off-label Permit instructions. Check on the label to see if a surfactant (also known as a wetting agent) or penetrant is recommended. The weed must be in an active growing stage for the herbicide to work effectively. Ensure a good cover of the herbicide on both sides of the leaves. To minimise off-target damage from spray drift, adjust the nozzle to get droplets of the correct size to cover the leaf (not too small to blow away between the nozzle and the leaf and not too big to dribble off the leaf once it hits), use a shield over the spray nozzle and don't spray on windy days. Don't spray when rain is expected (refer to the label for more details) There are several issues when considering the spot spraying option. It is relatively easy to kill large areas of weeds using this method. If you are working on a slope make sure you are not going significantly increase soil erosion or instability. If there are native animals using the weeds as habitat, what will happen to them? If the weeds are left standing, particularly for dense prickly infestations, how will you get into them later to do the follow up work? How much off-target damage is acceptable?	

2 Herbicides

Herbicides are chemicals designed to kill plants. They can be a very effective weed control tool but they must be used at the right concentration and carefully. The safety of people and of the environment must be the main consideration when using them.

Before using herbicides it is recommended that you complete a basic Chemical Handling training session.

Always read the label on the herbicide container. It is a legal requirement that you act in accordance with the instructions and information on the label, or in some cases, in accordance with the Off-label Permit for that herbicide as issued by the Australian Pesticide and Veterinary Medicines Authority. Further information about a herbicide can be found on it's Material Data Safety Sheet, which is available at the point of sale or via the internet.

You must always follow the safety instructions closely and wear the recommended protective equipment when mixing or using herbicides. Only use the herbicide at the dilution rate recommended for a particular species. Only mix up the amount of herbicide that you will use in each weeding session.

2.1 Terms to Become Familiar With

Residual	Remains active in the soil (anywhere from several weeks to 12 months or more) and is absorbed into the plant via the root system. Herbicides that have long residual times in the soil are generally not used for bushland weed control.
Toxicity	The strength of a herbicide, and hence the level of risk involved in its use
Systemic	The herbicide is transported around the plant to the roots, which it kills, causing the whole plant to die
Non-systemic	The herbicide only kills the part of the plant that it contacts. Also known as 'Knockdown' herbicides. Useful for the control of annual weeds.

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Selective	The herbicide kills some groups of plants but has little or no effect on others. Common examples are 'broad-leaf selective' herbicides and 'grass selective' herbicides.
Non-selective	The herbicide can kill all groups of plants.
Active Ingredient	The ingredient in the herbicide that actually kills the plant. Don't confuse this with the brand name of a herbicide. The label on every brand of herbicide will show what active ingredient(s) are present and in what concentrations.
Surfactant	A herbicide additive like a strong detergent which assists the herbicide to stick onto the plant thereby increasing the uptake of the active ingredient by the plant. Some brands of herbicide already have a surfactant mixed in or will recommend that one be included with the herbicide for use on a particular species. This information will be shown on the label.
Penetrant	A herbicide additive which assists the active ingredient to move into the plant. Some brands of herbicide already have a penetrant mixed in or will recommend that one be included with the herbicide for use on a particular species. This information will be shown on the label. In most cases the use of additional penetrants is not recommended for bushland weed control and should only be used with great care.

2.2 Herbicide use for Bushland Weed Control

Additional information on weed control methods can be found in the '*Weed Control Handbook for Declared Plants in South Australia*' which has been developed by Biosecurity SA. The handbook provides information on how to control South Australia's declared plants. The first section of the book provides information regarding declared plants, weed control methods and the important legal, environmental and OHW&S considerations when using herbicides for weed control. The second section is a table of recommended herbicide options, rates and application methods for South Australia's declared plants. A copy of the handbook can be found at the web address below;

http://www.pir.sa.gov.au/__data/assets/pdf_file/0009/187686/Full_Document_Final_Weeds.pdf

For further information or advice for weed or pest control methodologies, contact your local Natural Resources Management Board.

http://www.naturalresources.sa.gov.au/home

10 MATTERS DEFERRED

Nil

11 REVIEW OF DECISION OF ASSESSMENT MANAGER

Nil

12 ERD COURT MATTERS

Nil

13 CONCURRENCE APPROVALS

Nil

14 PROCEDURAL MATTERS

Nil

15 NEXT MEETING

Due to the December 2021 CAP meeting falling on a public holiday, the next scheduled meeting will be 25 January 2022.

16 CLOSURE