

#14292080

T Egan & L Hemphill

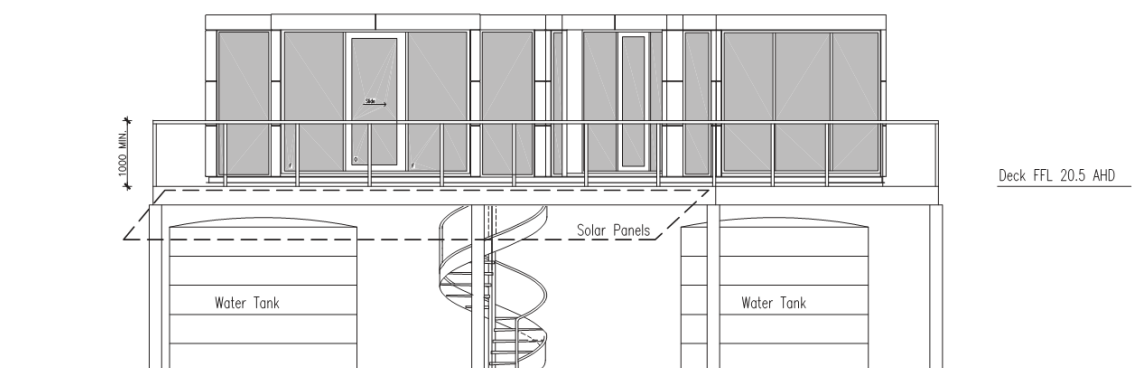
Relocation and redesign of previously approved dwelling and the establishment of a site office.

2082 Nora Creina Road, Nora Creina.

DA 822/R002/19

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OVERVIEW

Application No	822/R002/19.
Unique ID/KNET ID	#14292080; 2019/03112/01
Applicant	T Egan & L Hemphill.
Proposal	Relocation and redesign of previously approved dwelling and the establishment of a site office.
Subject Land	2082 Nora Creina Road, Nora Creina; A2 D24257, CT5435/299.
Zone/Policy Area	Coastal Conservation Zone.
Relevant Authority	District Council of Robe.
Lodgement Date	31/08/2018
Council	District Council of Robe.
Development Plan	Consolidated 15/12/2016.
Type of Development	Non-complying.
Public Notification	Category 3.
Representations	One (1).
Referral Agencies	Coast Protection Board & SA Country Fire Service.
Report Author	Malcolm Govett, Planning Officer.
RECOMMENDATION	Concur.

EXECUTIVE SUMMARY

The District Council of Robe has requested the concurrence of the State Commission Assessment Panel in regard to its decision to approve an application for a form of non-complying development. The proposed development is for the construction of a dwelling and a site office within the Coastal Conservation Zone at Nora Creina Road, Nora Creina. The site office will be used to coordinate site rehabilitation works.

The proposal is categorised as a form of non-complying development because it would not comply with any of the criteria relevant to the construction of either a dwelling or an office within the zone, i.e. it would not be used for the purpose of administering relevant environment management statutes.

On 12 September 2019, the Panel deferred consideration of the application to seek adequate documentation including the provision of certainty:

- On the location of the proposed structure relative to the cadastral boundary of the Heritage Agreement area; and
- On the structure and design elements related to its fixture to the ground.

The Panel has formed the view that the siting of the proposed dwelling would not adversely or significantly impact on sand dune stability in the locality.

It is considered the location of the proposed dwelling, in relation to the boundary of the adjacent Heritage Agreement area, has been accurately shown on the updated site detail plan through the use of survey coordinates.

It is considered the use of the Surefoot footing system for the proposed dwelling would result in minimal impact on the coastal landform because it is a concrete free foundation system.

It is considered the design of the proposed dwelling would result in a small scale and low profile building, which would be appropriate for the coastal environment. It is further considered the proposed dwelling would not be visible when viewed from the public realm along the foreshore or other public nodes.

It is recommended the Panel resolve to concur with the decision of the District Council of Robe to grant Development Plan Consent for the construction of a dwelling and a site office on the basis it would not adversely or significantly impact on the natural features of the Coastal Conservation Zone.

ASSESSMENT REPORT

1. BACKGROUND

1.1 Recent SCAP Decision

This application was previously presented for consideration to the State Commission Assessment Panel on 12 September 2019.

The Panel deferred consideration of the application to seek adequate documentation including the provision of certainty:

- On the location of the proposed structure relative to the cadastral boundary of the Heritage Agreement (Native Vegetation) area; and
- On the structure and design elements related to its fixture to the ground.

The previous Agenda Item of 12 September 2019 is contained in **Attachment 2**.

1.2 Status of Development

The proposal is categorised as a form of non-complying development under the PROCEDURAL MATTERS for the Coastal Conservation Zone in the District Council of Robe Development Plan. In this regard, both a "Dwelling" and "Office" are shown as forms of non-complying development within the zone.

The only exemptions relating to the construction of a "Dwelling" within the Zone are where either of the following criteria apply:

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 is for a detached dwelling and is located within Allotment 2001 of Deposited Plan 82834 and Sections 135, 227 and 228 of Hundred Plan 441800.*

In this regard, the proposal does not satisfy the above-mentioned exemptions (a) or (b).

The only exemption relating to the construction of an "Office" within the Zone is:

"Except where used for the purposes of administering the National Parks and Wildlife Act 1972."

In this regard, the proposal does not satisfy the above-mentioned exemption.

On 19/02/2019, the District Council of Robe Assessment Panel resolved to seek the concurrence of the State Commission Assessment Panel to grant Development Plan Consent for the relocation and redesign of a previously approved dwelling and the establishment of a transportable site office at 2082 Nora Creina Road, Nora Creina.

1.3 Heritage Agreement

A Heritage Agreement (GRO Plan 690/1987), between the Owners and the Minister for Environment and Planning was registered over a 22 hectare portion of the land on 05/04/1988, pursuant to Section 26 of the *State Heritage Act 1978*. The conditions of the Agreement mean the subject land is dedicated to the conservation of native vegetation and native fauna on the land and shall not be used in a manner inconsistent with that dedication.

The Owners would require the consent of the Minister to undertake or permit:

- The clearance of native vegetation;
- The planting of vegetation, whether native or exotic;
- The construction of a building or other structure;
- The grazing of stock;
- Any other activity that is likely to damage, injure or endanger the native vegetation or native fauna on the subject land.

It is noted that the boundaries of the Heritage Agreement area can be redefined by survey.

As the landward boundary for the Heritage Agreement area runs along the ridge line of the coastal landform, it is unknown whether the Coast Protection Board would have been consulted on the boundary alignment during the preparation of the Agreement.

1.4 Current Development Authorisation

On 31/07/2015, the District Council of Robe granted Development Plan Consent to Development Application 822/100/14 for the construction of a detached dwelling on the subject land. A cross-section of the approved building is shown in Figure 1, below.

The application was categorised as a form of non-complying development and subject to general public notification as a Category 3 development. Statutory referral comments were provided by the Country Fire Service and The Coast Protection Board.

The Council sought and received the concurrence of the then Development Assessment Commission on its decision to approve the application.

The council has granted the proponents three (3) separate extensions of time on the development authorisation. As a result, the development authorisation 822/100/14 remains a valid and operable approval.

1.5 Design Features of Approved and Proposed Dwellings

The proposed development seeks to vary the siting and design of the currently approved dwelling.

The siting and design features of the approved dwelling and proposed dwelling are as follows:

DESIGN FEATURE	APPROVED DWELLING	PROPOSED DWELLING
Roof:	Barrel vault.	Flat.
Pods:	One.	Three.
Podium:	Yes. Maximum clearance to ground level of 3m.	Yes. Maximum clearance to ground level of 3m.
Footings:	Piers.	Surefoot – concrete free foundation system.
Internal Floor Area:	66m ²	51m ²

DESIGN FEATURE	APPROVED DWELLING	PROPOSED DWELLING
Deck Area:	62m ²	77m ²
Dwelling Height:	3.1m	2.6m
Finished Floor Level:	15.5 AHD.	20.5 AHD.
Finished Building Height:	18.6m	23.1m
Footings:	Concrete/Steel Piers.	Surefoot footing system.
Highest Adjacent Site Level:	15.7m AHD.	18.57m AHD.
Building Setback:	20m from Heritage Agreement area.	21m from Heritage Agreement area.
Access to Living Area:	Spiral staircase.	Spiral staircase.
External Finishes:	Colorbond 'Cove' roof. Cement sheet wall cladding.	Alucobond sheeting in Champagne Metallic 503 (yellowish grey colour).
Rainwater Tanks:	Four (4) under-floor. 15kL for domestic use & 22kL for fire-fighting.	Four (4) under-floor. 15kL for domestic use & 22kL for fire-fighting.
Wastewater:	Bio-cycle or similar.	Bio-cycle or similar.

2. FURTHER INFORMATION

2.1 Location of the Proposed Dwelling

The applicants have provided an updated site detail plan (Drawing Number G010315.10, Revision D, Dated 22 January 2020), which includes the following information:

- The surveyed boundary of the Heritage Agreement area (survey coordinates are contained in the Heritage Agreement).
- The location of the centre point of the proposed dwelling – survey coordinates of E: 397759; N: 5869160.
- The location of the Median High Water Mark at 2m AHD.

The coordinates for the centre point of the proposed dwelling have been calculated by off-setting from the surveyed boundary of the Heritage Agreement area.

In accordance with the updated site plan, the podium on which the dwelling modules would sit, would be setback a minimum distance of 21 metres from the boundary of the Heritage Agreement area.

The updated site detail plan is contained in **Attachment 1**.

2.2 Fixture to the Ground

The applicants have amended the footing system by replacing the use of piers with the Surefoot footing system.

The Surefoot footing system is a concrete free foundation system which either minimises or eliminates:

- The excavations required, such as cut and fill and pylon holes.
- The disturbance to the site through the use of heavy machinery to install foundations.
- On-site waste such as excess concrete and spoil.
- The number of people required for installation.
- The total installation time.

The total number of footings required for the proposed dwelling will be determined during the Building Rules assessment process upon receipt of relevant soil/geological information.

The Surefoot footing system details are contained in **Attachment 1**.

2.3 Visual Impact on the Public Realm

The applicants have provided photographs taken at or near to the Median High Water Mark from four (4) viewing points along the foreshore. The vistas provided are inland towards the vicinity of the proposed dwelling site and along the foreshore.

The relevant photographs are contained in **Attachment 1**.

3. STATUTORY REFERRAL BODY COMMENTS

3.1 Coast Protection Board

The Coast Protection Board is a mandatory referral for regard in accordance with Item 1 under Schedule 8 of the *Development Regulations 2008*, because land within the Coastal Conservation Zone is defined as coastal land. The District Council of Robe as the relevant authority must have regard to this advice.

Figure 6: Development Site (Source: Coast Protection Board aerial obliques).



The Coast Protection Board (CPB) recommends the application be refused as the proposed development:

- will result in a significant impact on native vegetation, thus impacting on local biodiversity values

- will potentially exacerbate the instability of the existing sand dune system, through vegetation removal and as a result of site preparations (cut and fill)
- will place the development at an increased risk of sand dune instability and mobility
- will have a significant visual impact on the landscape when viewed from key public nodes

A full copy of the referral response is contained in **Attachment 2**.

3.2 SA Country Fire Service

The Country Fire Service (CFS) is a mandatory referral for direction in accordance with Item 18 (b) under Schedule 8 of the *Development Regulations 2008*, because the proposal is for the construction of a dwelling in a high bushfire risk area. The District Council of Robe as the relevant authority must have regard to this advice.

The CFS has no objection in principle to the proposal to undertake residential development on the allotment.

A full copy of the referral response is contained in **Attachment 2**.

4. COUNCIL COMMENTS

4.1 District Council of Robe

The Council has granted Development Plan Consent to the proposed development and in accordance with Regulation 25 of the Development Regulations 2008, it now seeks the concurrence of the State Commission Assessment Panel.

Council believes the proposed dwelling is an appropriate form of development because:

- It is designed and sited so that it does not impact on coastal features or visual amenity of the locality;
- It will provide some environmental outcomes associated with the management and revegetation of the land; and
- It will adequately addresses all bushfire requirements.

A full copy of the report to the Council Assessment Panel is contained in **Attachment 2**.

5. POLICY OVERVIEW

The subject site is within the Coastal Conservation Zone as described within the District Council of Robe Development Plan Consolidated 15/12/2016.

The relevant planning policies are contained in **Attachment 2** and are summarised below.

5.1 Zone

The key objective (Objective 1) of the Coastal Conservation Zone is to enhance and conserve the natural features of the coast including visual amenity, landforms, fauna and flora. It is envisaged that low-intensity recreational uses will be located there where environmental impacts on the coast will be minimal (Objective 2).

The coastal areas and dunes systems remain in a largely natural state and provide an important source of habitat and plant diversity. They are sensitive to human activity

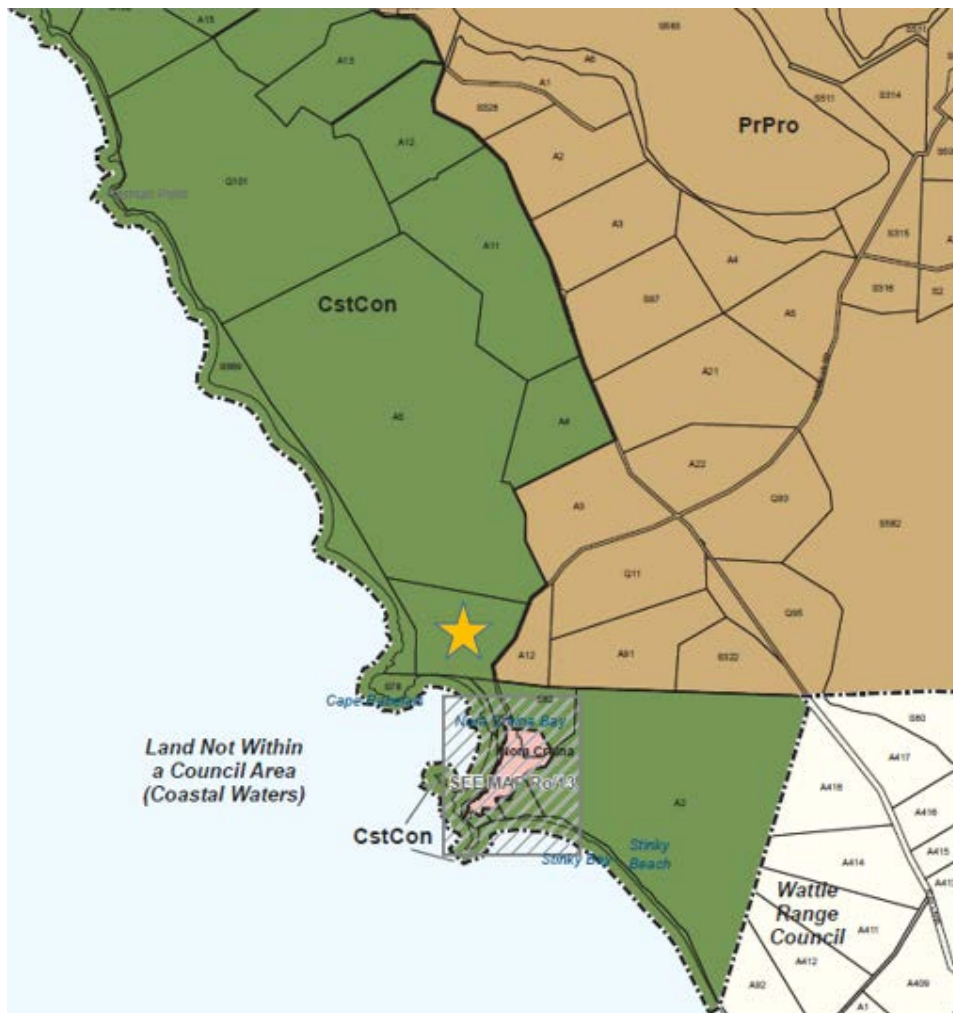
and are subject to the impacts of sea level rise and coastal erosion. As such, the zone requires careful and strict management practices.

Land in the zone should be retained in a natural state with protection of coastal dunes, cliffs, geological features and associated native vegetation being paramount. Sand dunes should be excluded from development.

Development within the zone should be mainly for essential purposes and associated with public recreation, navigation, or necessary minor public works (Principle of Development Control 3). Furthermore, development should be designed and sited to be compatible with conservation and enhancement of the coastal environment and scenic beauty of the zone (Principle of Development Control 8).

In addition, development should not adversely impact on the ability to maintain the coastal frontage in a stable and natural condition and, in any case, should be setback at least 100 metres from the coastal frontage (Principle of Development Control 9). Also, vehicle access points should be minimised, locally indigenous plant species should be used for landscaping purposes, and external building materials and finishes should be low reflective to blend with the landscape (Principle of Development Control 9).

Figure 7: Zoning Map.



5.2 Council Wide

The General Section (Council Wide) of the District Council of Robe Development Plan contains broad policies relating to 'Coastal Areas', 'Design and Appearance', 'Siting and Visibility' and 'Sloping Land', which are considered to be relevant to the proposed development.

Under 'Coastal Area', development should only be 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 (Objectives 2, 5 & 8 and Principles of Development Control 2 to 4).

Development along the coast should be compatible with the coastal environment in terms of built form, appearance and landscaping (Principle of Development Control 1), and should be concentrated into appropriately chosen nodes and not be in a scattered or linear form (Principle of Development Control 29).

Under 'Design and Appearance', development should be of a high architectural standard and building should be designed to reduce their visual bulk and provide interest through design elements (Objective 1 and Principles of Development Control 1 and 3).

Under 'Siting and Visibility', scenically attractive areas such as coastal landscapes should be protected and development should be sited and design to minimise its visual impact (Objective 1 and Principles of Development Control 1 to 5).

Under 'Sloping Land', development should be designed to manage visual impacts and to minimise impacts on the natural environment (Objective 1 and Principles of Development Control 1 and 2).

5.3 Policy Layer

The Mapping Section of the District Council of Robe Development Plan identifies the subject land as being located within a high bushfire risk area.

Bushfire Protection Area Map Ro/5 is contained in **Attachment 2**.

The General Section (Council Wide) of the District Council of Robe Development Plan contains broad policies relating to 'Hazards' which are considered to be relevant to the proposed development.

Development should be located to minimise the threat and impact of bushfires on life and property (Objective 5), and development within a Bushfire Protection Area should be in accordance with those provisions of the *Minister's Code: Undertaking development in Bushfire Protection Areas* that are designated as mandatory for Development Plan Consent purposes (Principle of Development Control 7).

6. DISCUSSION

6.1 Location of Proposed Dwelling

In accordance with the setback distances and coordinates shown on the updated site detail plan, it is considered that the proposed dwelling would be able to be appropriately located on the subject allotment.

In this regard, the dwelling site would be sufficiently separated from the Heritage Agreement area to enable the provision of a vegetation management zone which would:

- Comply with the fire safety requirements of the Country Fire Service.
- Not adversely impact the integrity of the Heritage Agreement area.
- Not adversely or significantly impact the coastal landform.

6.2 Fixture to the Ground

It is considered the proposal to use the Surefoot footings system is positive when compared to the use of piers/pylons. This is because the Surefoot footings system would not involve the use of concrete and would thereby minimise the impact of the proposed development on the coastal landform in respect of excavation works and the use of heavy equipment.

6.3 Design and Siting – Visual Impact

The updated site detail plan shows the proposed dwelling would be sited between 17.8m AHD and 16.5m AHD, just below the crest of the vegetated sand dune ridge which peaks at 18.5m AHD. At its highest point, the proposed dwelling would be 23.1m AHD.

Also, between the proposed dwelling site and the foreshore, there is an intervening, semi-vegetated sand dune with an elevation of about 20m AHD.

It is considered the proposed dwelling would not be visible from viewing points 3, 9, 6 and 7 as shown on the updated site detail plan contained in **Attachment 1**.

7. CONCLUSION

The key Development Plan objective for the Coastal Conservation Zone and land within coastal areas generally is the protection and enhancement of the natural coastal environment, which includes sand dunes and native vegetation.

It is noted the Panel has formed the view that the siting of the proposed dwelling would not adversely or significantly impact on sand dune stability in the locality. Also, the Robe Council accepts the proposed dwelling is designed and sited so that it does not impact on coastal landforms and features or the visual amenity of the locality.

It is considered the location of the proposed dwelling, in relation to the boundary of the adjacent Heritage Agreement area, has been accurately shown on the updated site detail plan through the use of survey coordinates.

It is considered the use of the Surefoot footing system for the proposed dwelling would result in minimal impact on the coastal landform because it is a concrete free foundation system.

It is considered that the design of the proposed dwelling would result in a small scale and low profile building, which would be appropriate for the coastal environment. It is further considered the proposed dwelling would not be visible when viewed from the public realm along the foreshore or other public nodes.

It is considered the siting of the proposed dwelling would provide sufficient area for the establishment of a vegetation management zone in accordance with the fire safety requirements of the Country Fire Service.

It is acknowledged that significant rehabilitation works have been undertaken over the coastal landform, which will probably continue to be ongoing.

On balance, it is considered concurrence should now be granted to the application.

8. RECOMMENDATION

It is recommended that the State Commission Assessment Panel:

- 1) RESOLVE that the proposed development is NOT seriously at variance with the policies in the Development Plan.
- 2) RESOLVE that the State Commission Assessment Panel is satisfied that the proposal generally accords with the relevant Objectives and Principles of Development Control of the District Council of Robe Development Plan.
- 3) RESOLVE to CONCUR to the decision by the District Council of Robe to grant Development Plan Consent to Development Application 822/037/18 (822/R002/19) by T Egan and L Hemphill for the construction of a dwelling and a transportable site office on A2 D24257, 2082 Nora Creina Road, Nora Creina, subject to the addition of the following condition to the Development Plan Consent:
 - The centre point of the proposed dwelling shall be located at survey coordinates E: 397759; N: 5869160.



Malcolm Govett
PLANNING OFFICER
PLANNING AND LAND USE SERVICES DIVISION
DEPARTMENT OF PLANNING, TRANSPORT and INFRASTRUCTURE

5 December 2019

Malcolm Govett
Planning Officer
Development Assessment - Planning and Land Use Services
Department of Planning, Transport and Infrastructure
GPO Box 1815
ADELAIDE SA 5001

By email: malcolm.govett@sa.gov.au

Dear Malcolm

**Re: Additional Information
Development Application – 822/0037/18
Proposed Caretakers Dwelling
2082 Nora Creina Road, Nora Creina**

MasterPlan SA Pty Ltd writes on behalf of our clients, Mr Thomas Egan and Dr Linda Hemphill, to provide information and clarification in response to matters discussed at the State Commission Assessment Panel meeting of 12 September 2019.

At the September meeting, the State Commission Assessment Panel resolved to defer the consideration of this application to seek adequate documentation including the provision of certainty:

1. *On the location of the proposed structure relative to the cadastral boundary of the Heritage Agreement (Native Vegetation) area; and*
2. *On the structure and the design elements related to its fixture to the ground.*

Following our further conversations to clarify the information sought, we provide you with the following information:

- Site Detail Plan by Alexander & Symonds – Drawing No. G010315.10 Detail Building Locations(C) Rev C;
- Photographs by Alexander and Symonds from Median High Water Mark, as designated on the Site Detail Plan; and
- “Surefoot General Set-Out” plan.



Siting

The plan prepared by Alexander & Symonds Surveyors, **attached** to this correspondence, illustrates the location of the proposed dwelling and the approved dwelling relative to the boundaries of the Heritage Agreement area.

Structure

Additional information was sought on the structure and the design elements related to its fixture of the dwelling to the ground. **Attached** is further information regarding the fixing methodology (Surefoot Concrete Free Foundation System) and "Surefoot General Set-Out" plan. The final number of fitting points will be confirmed at the building rules assessment stage upon receipt of soil/geological information/reports.

Visibility

Further information has been requested in relation to the visibility of the proposed dwelling from the north west, particularly from the foreshore.

It is noted from the Alexander & Symonds Site Detail Plan (**attached** and extract below), that there is significant height difference from the Median High Water Mark (2.0 metres AHD) and the boundary of the heritage area adjacent the proposed dwelling site, which varies from 17.8 metres and 18.4 metres AHD. Between the foreshore and the proposed dwelling site there are numerous intervening sand dunes, some of which have an elevation of 20 metres AHD, some of which are evident on the following photographs (taken by Alexander & Symonds). The photograph locations are identified on the Site Detail Plan.





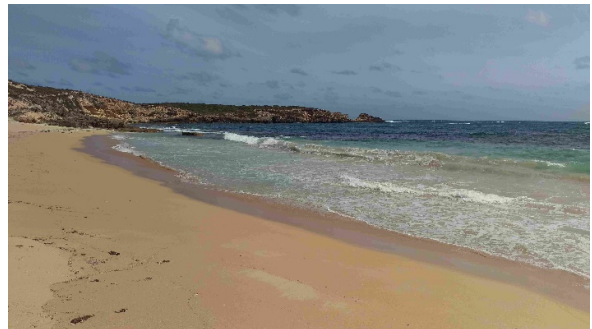
3.1 East



3.1 East Up



3.2 North



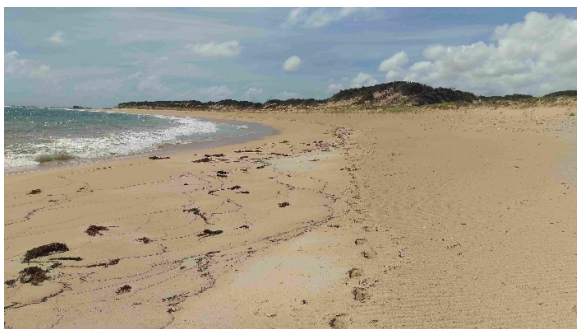
6.1 South



6.2 South East



9.1 East



9.2 North



9.3 South



It is considered that the site of the proposed dwelling would not be visible from the foreshore (beach) adjacent the property boundary given the intervening sand dunes. This opinion has been also been noted on the Site Detail Plan by the surveyors. It is acknowledged that there may be views of the dwelling from the foreshore from a distance in excess of 1.0 kilometre. People walking along the beach in the locality are unlikely to have views of the dwelling. It is noted that there is limited access to the beach to the west and north-west of the subject land, and this is four to five hours walk from Robe, therefore further limiting any visual impact of the development in the public realm.

Summary

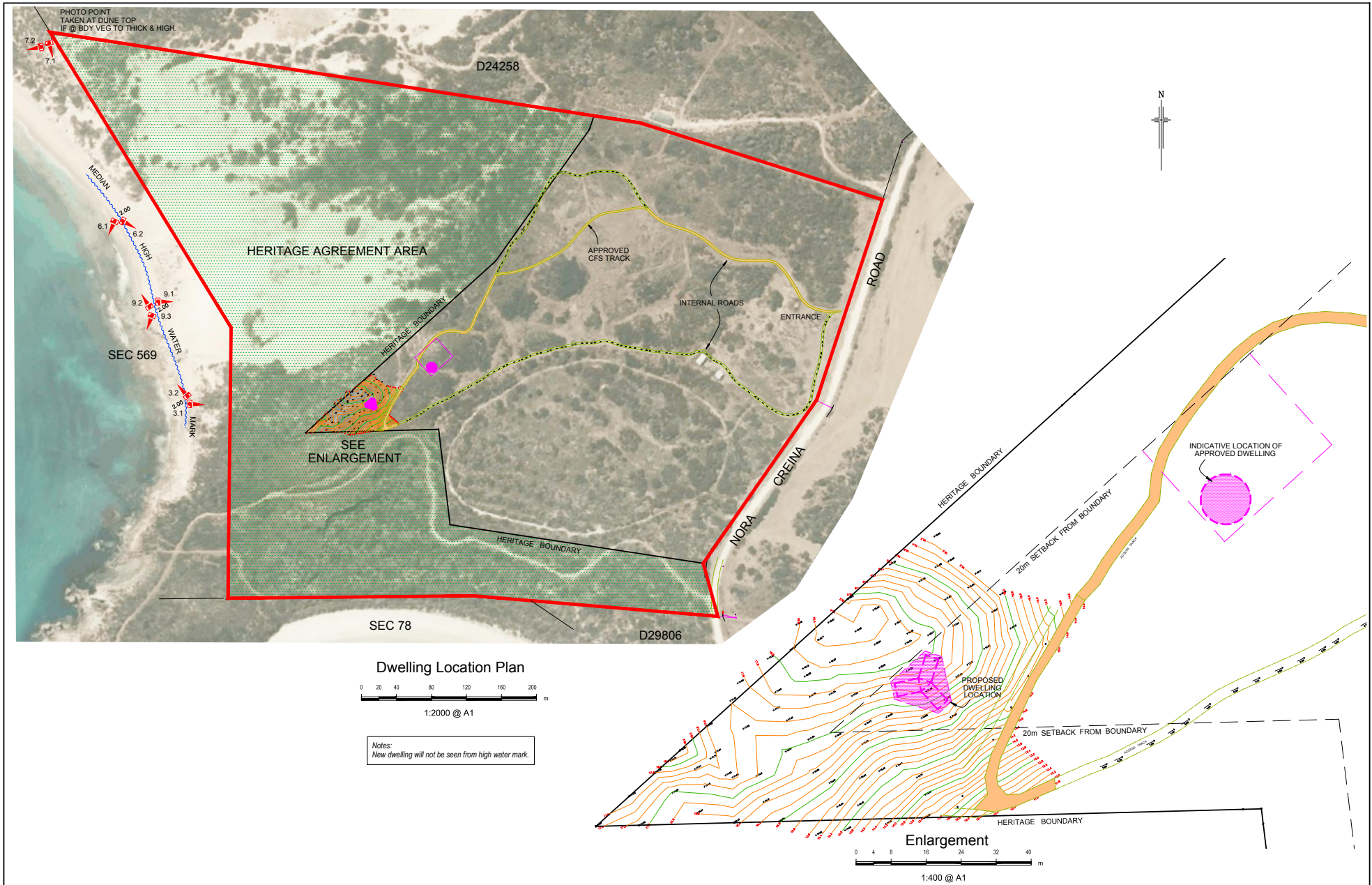
We trust the **attached** information confirms the minimal impact of the proposed dwelling on the locality. As we have stated in previous correspondence, it is our opinion that the location of the proposed dwelling is considered to be appropriate in the locality, given:

- the size of the site (40.0 hectares) relative to the small size of the proposed dwelling (128 square metres);
- the setbacks from boundaries;
- the type and density of the vegetation on the proposed site versus the more sensitive area of the approved site;
- the location of the dwelling is outside of the Heritage Agreement area;
- it is sited on solid ground and appropriately separated from the sand dune blow out;
- the method of construction minimises cut and fill and impacts on the landform; and
- the undulating nature of the site minimises, and the existing vegetation minimises the visibility of the dwelling in a manner that would not have an unreasonable adverse impact on the character, amenity or scenic beauty of the locality.

For all of these reasons, we consider that the proposed development sufficiently accords with the provisions of the Development Plan to warrant the granting of Development Plan Consent.

Yours sincerely

Julie Jansen
MasterPlan SA Pty Ltd



A	26.11.2019	PHOTO POINTS & INTERNAL ROAD ADDED	MJM
B	3.12.2019	ADDED HWY	LJM
C	4.12.2019	ADDED FIRE ACCESS TRACK	
REV	DATE	DESCRIPTION ADDITIONS, AMENDMENTS AND APPROVALS	CHECKED

LEGEND	
<ul style="list-style-type: none"> 47.000' TOP MARK 47.000' WATER TABLE 48.000' FLOOR LEVEL 48.000' TROVEY LEVEL 48.000' TAP 48.000' WATER METER 48.000' SPURRING / IRREG VALVE 48.000' HYDRANT 48.000' DOMESTIC OUTLET 48.000' DOMESTIC 48.000' DOMESTIC SUMP 48.000' SYMPTOMETER WHOLE 48.000' SPT GRATING 	<ul style="list-style-type: none"> 48.000' TRACK GRASSFALL DIR 48.000' TEL COUM RELAY / PVT 48.000' TRAFFIC LIGHT 48.000' SIGN BUS SIGN 48.000' UTTER BAY 48.000' MAIL BOX / SIGNAL BOX 48.000' UTTER BAY 48.000' TROVEY MACHINE 48.000' ROAD ELEC SERVICE 48.000' WATER BV / FP 48.000' SYMPTOMETER WHOLE 48.000' SPT GRATING

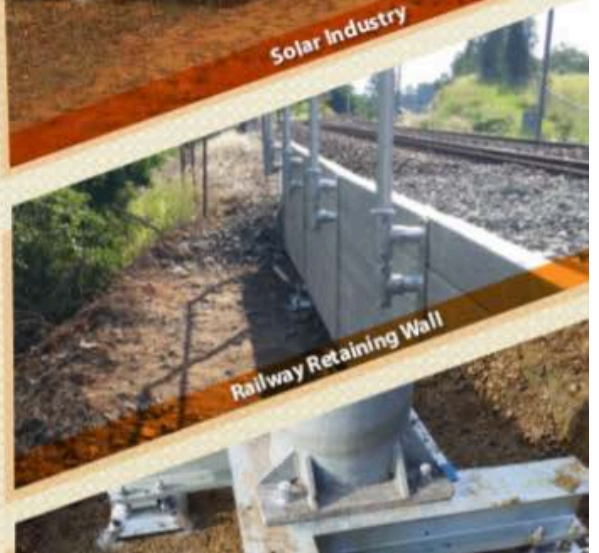
COORDINATE SYSTEM	
VERTICAL:	AHD
HORIZONTAL:	GROUND PLANE ORIENTED TO MGA 94 ZONE 54
SCALE:	GROUND (CSF) = 0.999 728 943
ADOPTED STATION & AUTHORITY	
PSM 6823/98	EC 1 524m
PSM 6823/98	E: 398283 922 SDE
PSM 6823/98	N: 586821 294 SDE
SCOPED BY SA Government survey data base (Survey Control 02/09/2002)	

SCALE AS SHOWN	
CONTOUR INTERVAL:	MAJ 1.0m, MIN 0.2m
SURVEY:	MJR 10.07.2017
DRAWN:	LJM 8.11.2019
CHECKED:	-

	Alexander & Symonds Pty Ltd 29 Ferrers Street Mt Gambier, South Australia 5290 PO Box 981 Mt Gambier, SA 5290 DX 29007 ABN 93007 753 988	SITE DETAIL PROPOSED CARTAKERS DWELLING 2082 NORA CREINA ROAD NORA CREINA	SHEET 1 OF 1 REVISION C	
	T (08) 8725 5299 F (08) 8724 9193 W www.alexander.com.au E mtgambier@alexander.com.au	+ Property + Land Development + + Construction + Mining + + Spatial Information Management +	DRAWING NO. G010315.10Detail_Building Locations(C)	SHEET 1 OF 1 REVISION C



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The concrete free foundation system



Brochure
www.surefoot.melbourne



Applications

i n d u s t r i e s

Today Surefoot is used in a wide range of applications and industries locally and internationally. We can engineer and customise the Surefoot to your unique application

- Housing industry
- Energy Industry
- Playground equipment
- Communication industry
- Signage industry
- Tethering industry
- Portal frame construction
- Defence industry
- Banner & Flag industry
- Temporary structures
- Slab stabilization & under pinning
- Event industry
- Shade sail industry
- Lighting industry
- Retaining walls & sound barriers
- Decking and boardwalks
- Mining industry
- Bus shelters
- Fencing
- Stock yards
- Green construction
- Bridge
- Solar Industry

A great cost saving could be achieved if you specify steel or deep beam bearers and joists combined with Surefoot. You may achieve a 50 % reduction in stump quantity in comparison to a traditional timber subfloor. This equates to onsite time and labour cost savings.

Depending upon project size and site conditions, the Surefoot footing could be installed in the morning and subfloor frame installed in the afternoon!





Environmental impact

Embodied energy is the total energy required for the extraction, processing, manufacture and delivery of building materials to the building site. Energy consumption produces CO₂, which contributes to greenhouse gas emissions.

Source: *Your Home technical manual – Lawson buildings, materials, energy and the environment (1996)* www.yourhome.gov.au



Surefoot vs Concrete

	CONCRETE	SUREFOOT
Fixed costs	✗	✓
Excavations required	✗	✓
Dirt or spoil removal off site or relocation on site	✗	✓
Engineering Inspection required	✗	✓
Concrete pump required	✗	✓
Propping materials for setting up posts	✗	✓
Gravel for bottom of post holes	✗	✓
Instant bearing capacity of foundations so your works can continue same day	✗	✓
Workplace health & safety risk	HIGH	LOW
Total installation time	LONG	SHORT
Rain delays - post holes full of water	✗	✓
Number of trades and materials required to organise	UP TO 10	2
Access issues for machinery & materials	✗	✓
Environmentally friendly	✗	✓
Reestablishment of landscape required	✗	✓
Adjustable in both plumb & level after your foundation is installed	✗	✓

"Surefoots aim is to inform all Industries that there are better, faster, cleaner and easier alternatives than using concrete."

Biodiversity on site

Surefoot helps avoid unnecessary disturbance to vegetation and soil and responds to the natural topography of a site eliminating the use of heavy machinery to install foundations. This saves energy, preserves natural drainage patterns and prevents soil erosion and sediment run offs from waste spoil. Excessive excavation can damage the ecological integrity of the site and disturb groundwater zones.

Waste minimisation

Surefoot reduces on site waste such as excess concrete and spoil from foundations. This waste in most cases is transported off site which adds to the total embodied energy of a building and CO₂ emissions.

Recycling

Surefoot sources its steel from environmentally focused suppliers who use up to 90% recycled steel as part of their manufacturing processes. At the end of a building's design life Surefoot can be removed from the ground and recycled back into its raw form to produce other steel products.



"Surefoot is at the forefront of design and innovative, environmentally friendly footing systems"

Surefoot system

Surefoot is an "all in one system", where the unique shape and high strength steel combines to create a very efficient pile cap. Once piles are driven and the cap secured, the opposing forces of the multi directional piles provides a solid, stable and economical foundation. The system is designed to increase its efficiency when resisting gravity, uplift, shear and moment loads. Ultimately the soil structure absorbs the applied stress. Our footing system is job specific and is designed according to site soil conditions, and structural design loads etc

Engineering principles

Surefoot engineering principles are based on piling technology using a combination of skin friction and bearing to achieve load capacities in various soil types. Design capacity calculations are based on the working stress method, using refined geotechnical data obtained throughout time, for skin friction and bearing pressure.

Compliance - design and certification

The system is compliant with the following Australian standards and codes of practice which form part of the Building Codes of Australia.

AS2870 - 2011 Residential slabs and footings AS/NZS 1170.2 - 2011 Structural design actions and wind actions AS/NZS 4600 - 2005 Cold formed steel structures AS 2159 - 2009 Piling design and installation AS 4100 - 1998 Steel structures

Foundation maintenance

It is advised to refer to the CSIRO information service leaflet 10 - 91 "a Guide to Home Owners on Foundation Maintenance and Footing recommendation

Pile record

A pile record must be kept for each footing and once completed, returned to the consulting Engineer. Refer to Appendix A & B for the Pile Record document and plan example.

Wind categories

Surefoot can be installed in all wind categories.

SF50

Residential

Bolting pattern:
147 x 3 x 16mm holes

Driving pins:
3 x 32nb (nominal bore) 42.4OD Gal pipe
Light, Medium, Heavy

Load capacity:
Up to 25kN

Average installation time:
10 minutes approx.



SF100

Residential

Bolting pattern:
140 centres x 4 x 22mm holes

Driving pins:
4 x 32nb (nominal bore) 42.4OD Galvanised pipe
Light, Medium, Heavy

Load capacity:
Up to 75kN

Average installation time:
10 minutes approx.



SF200

Commercial

Bolting pattern:
140 centres x 4 x 22 slotted holes

Driving pins:
4 x 32nb (nominal bore) 42.4OD Galvanised pipe
Light, Medium, Heavy

Load capacity: Up to 110kN

Average installation time:
10 minutes approx.



SF300

Commercial

Bolting pattern:
140 centres x 4 x 22mm slotted holes
233-250 PCD x 4 x 22mm holes

Driving pins:
4 or 6 x 32nb (nominal bore) 42.4OD Galvanised pipe -
Light, Medium, Heavy

Load capacity: Up to 160kN

Average installation time:
15 minutes



SF400/500

Commercial

Bolting pattern:
233-250 PCD x 4 x 22mm holes -
350-400 PCD x 4 x 26mm holes

Driving pins:
8 or 12 x 32nb (nominal bore) 42.4OD Galvanised pipe -
Light, Medium, Heavy

Load capacity:
Up to 220kN - SF400
Up to 300kN - SF500

Average installation time:
25-30 minutes



SF600

Commercial

Bolting pattern:
233-250 PCD x 4 x 22mm holes -
350-400 PCD x 4 x 26mm holes -
432-500 PCD x 8 x 32mm holes

Driving pins:
16 x 32nb (nominal bore) 42.4OD Galvanised pipe -
Light, Medium, Heavy

Load capacity: Up to 360kN

Average installation time:
40 minutes approx



ACCESSORIES

FULLY ADJUSTABLE



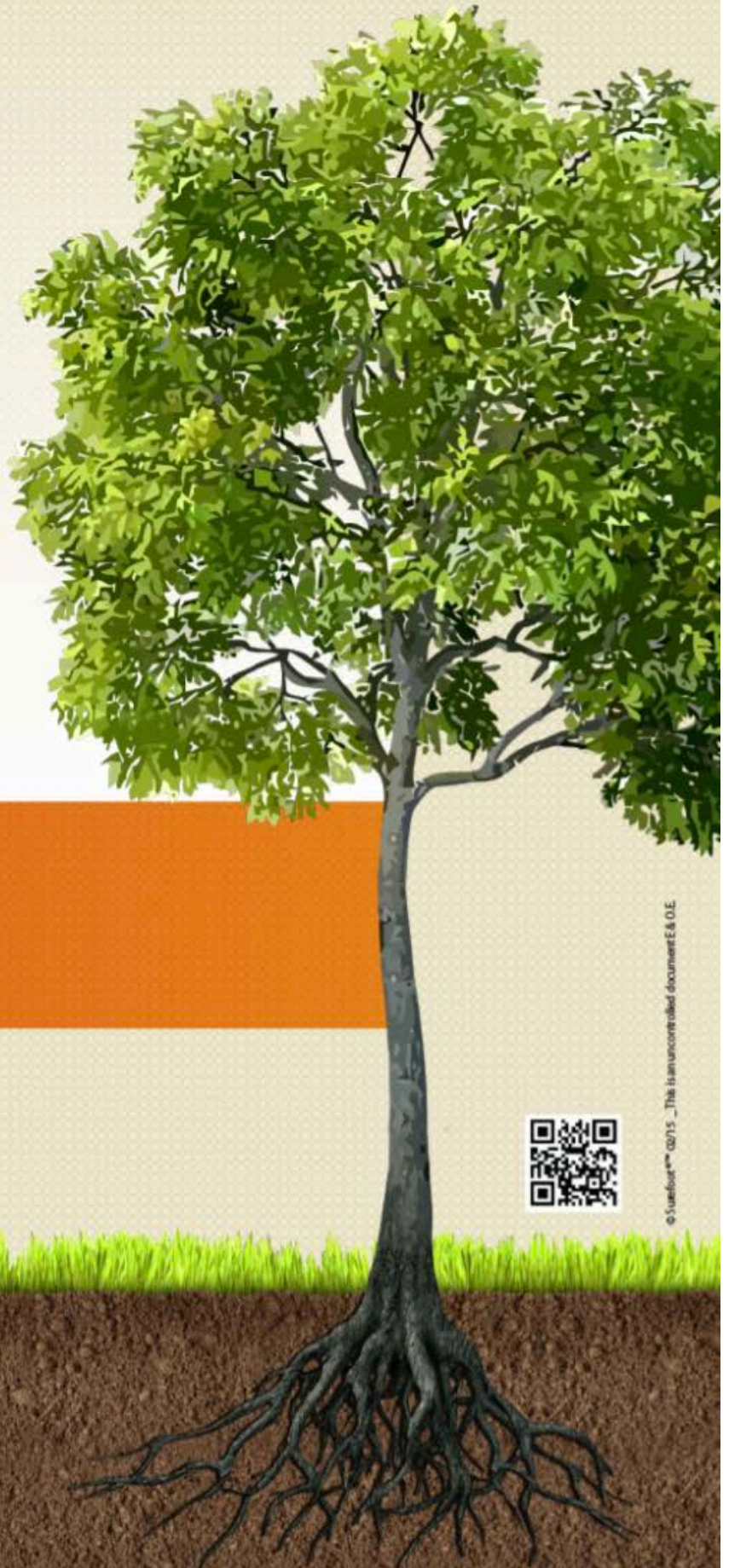
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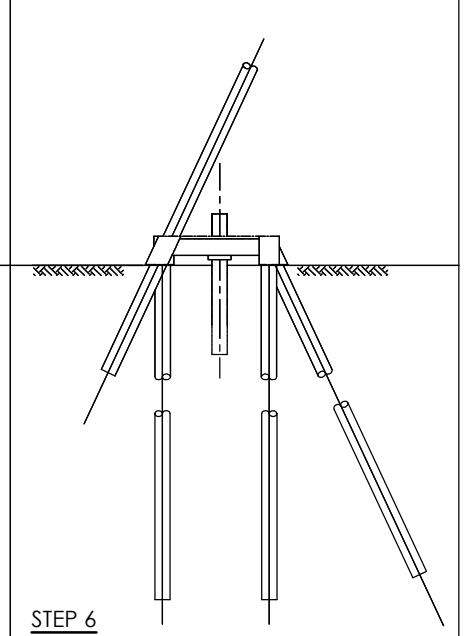
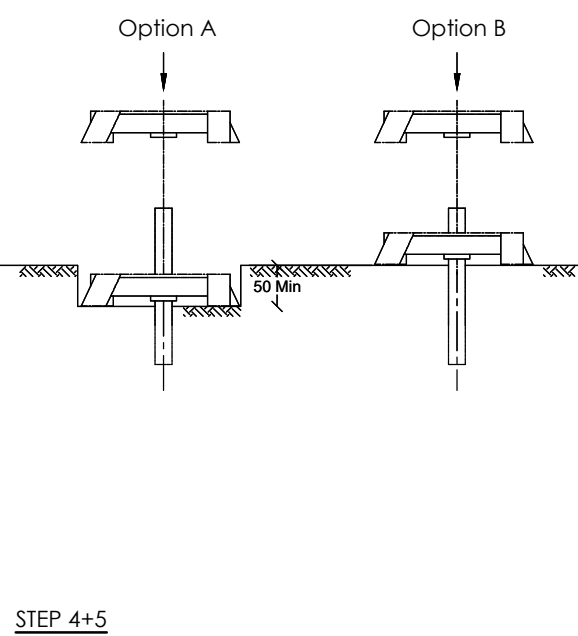
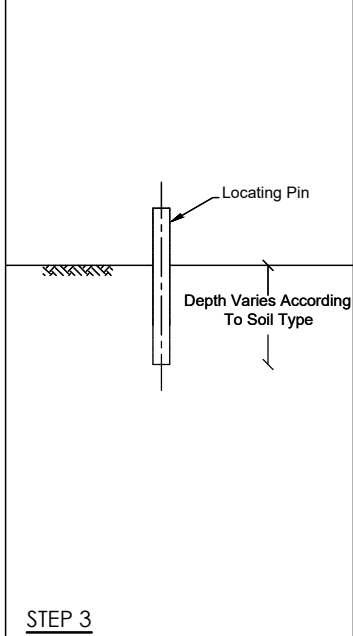
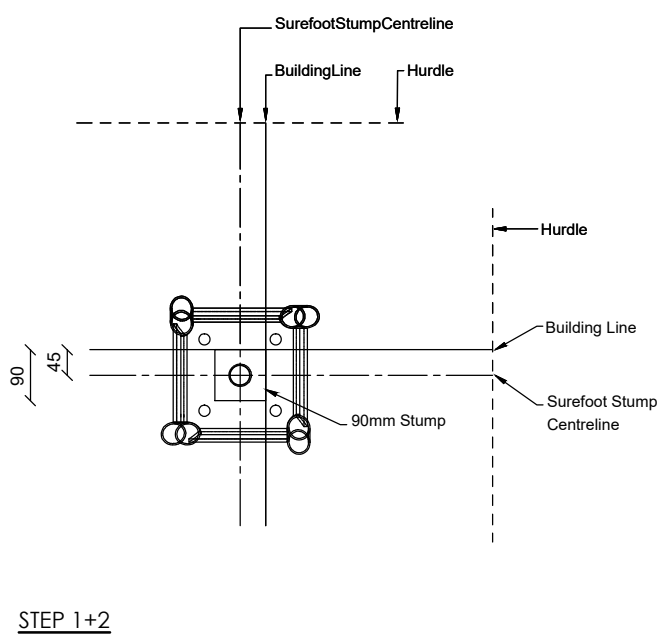
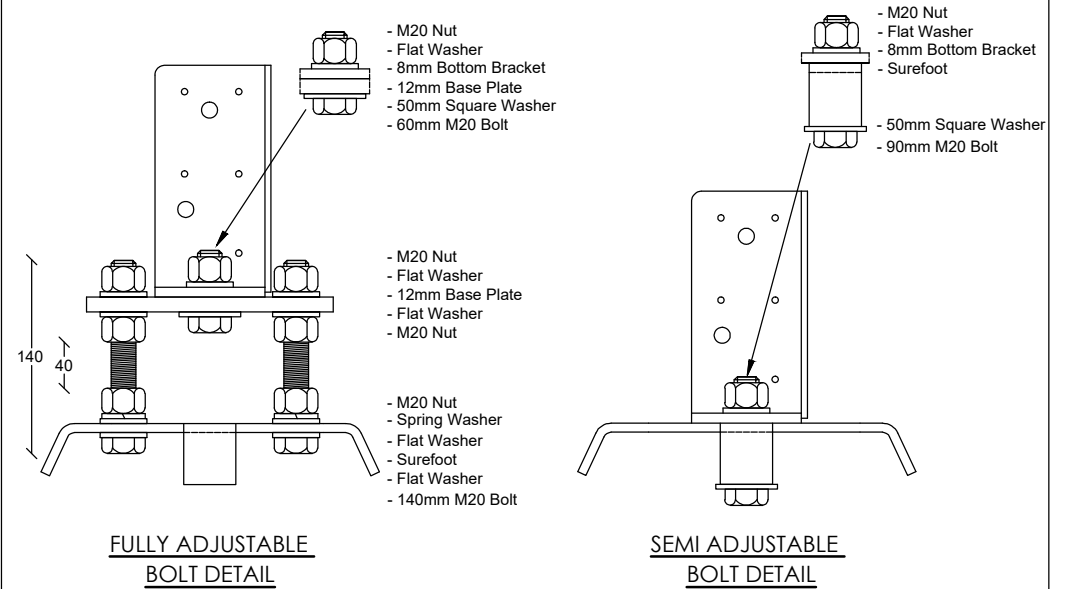
Brochure



Unit 3 # 36 Latitude Blvd, Thomastown Vic 3074
Phone: 1300 397 122
FAX: 039 998 1964
info@surefoot.melbourne
www.surefoot.melbourne



- STEP 1** SET OUT CENTRE OF SUREFOOT/ STUMP ON HURDLE.
- 2** MARK THE BUILDING LINE SEPARATELY.
- 3** PEG CENTRE OF SUREFOOT WITH AN OFFCUT OF 32 NOM. BORE PIPE; APPROX 200-300mm LONG TO ACCURATELY LOCATE THE CENTRE OF THE FOOTING.
- 4** IDENTIFY ALL UNDERGROUND SERVICES. RING "DIAL BEFORE YOU DIG" IF REQUIRED.
- 5** PLACE THE SUREFOOT PILE CAP OVER THE LOCATING PIN. BOLTS SHOULD BE INSTALLED AT THIS STAGE.
- OPTION A - BELOW NGL (IF REQUIRED)
OPTION B - ABOVE NGL
- 6** START DRIVING MICROPILES IN OPPOSING CORNERS TO SPECIFIED DEPTH, LEAVE LOCATING PIN IN PLACE TO MINIMISE WANDERING.
- REFER TO PAGE 5 OF THE INSTALLATION MANUAL.



NO.	DATE	BY	DESCRIPTION
REVISIONS			

CLIENT:

SUREFOOT
www.surefoot.melbourne
email : info@surefoot.melbourne
Phone: 03 9004 5765, 0400389290



PROJECT:

SITE ADDRESS:

TITLE: SUREFOOT GENERAL SET OUT			
RBP CERTIFICATION:	DESIGNED:	SCALE:	DRAWING NO. REV.
	DRAWN: WJ	JOB NO:	
CHECKED:	DATE: 24-08-2016		

#14292080

T Egan & L Hemphill

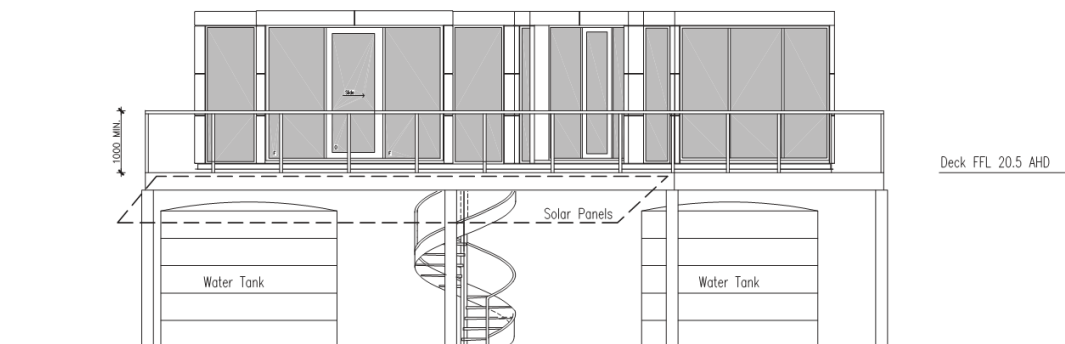
Relocation and redesign of previously approved dwelling and the establishment of a site office.

2082 Nora Creina Road, Nora Creina.

DA 822/R002/19

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OVERVIEW

Application No	822/R002/19.
Unique ID/KNET ID	#14292080; 2019/03112/01
Applicant	T Egan & L Hemphill.
Proposal	Relocation and redesign of previously approved dwelling and the establishment of a site office.
Subject Land	2082 Nora Creina Road, Nora Creina; A2 D24257, CT5435/299.
Zone/Policy Area	Coastal Conservation Zone.
Relevant Authority	District Council of Robe.
Lodgement Date	31/08/2018
Council	District Council of Robe.
Development Plan	Consolidated 15/12/2016.
Type of Development	Non-complying.
Public Notification	Category 3.
Representations	One (1).
Referral Agencies	Coast Protection Board & SA Country Fire Service.
Report Author	Malcolm Govett, Planning Officer.
RECOMMENDATION	Decline to concur.

EXECUTIVE SUMMARY

The District Council of Robe has requested the concurrence of the State Commission Assessment Panel in regard to its decision to approve an application for a form of non-complying development. The proposed development is for the construction of a dwelling and a site office to coordinate rehabilitation works within the Coastal Conservation Zone at Nora Creina Road, Nora Creina.

The proposal is categorised as a form of non-complying development because it would not comply with any of the criteria relevant to the construction of either a dwelling or an office within the zone, i.e. it would not be used for the purpose of administering relevant environment management statutes.

The key planning concern with this application is the high level of risk in allowing the re-siting of a dwelling in relatively close proximity to a dune blow-out, which would increase the risk of dune instability to an unacceptable level and thereby would not enhance or conserve the natural features of the coast.

It is considered that alternative sites for a dwelling would be available on the allotment which would have lesser environmental impact than the proposal. Although they would not provide outward coastal views.

It is recommended the Panel resolve to not concur with the decision of the District Council of Robe to grant Development Plan Consent for the construction of a dwelling and a site office on the basis it would adversely impact on the natural features of the Coastal Conservation Zone.

ASSESSMENT REPORT

1. BACKGROUND

1.1 SCAP Delegation

In respect of section 35 (3) (b) (i) of the *Development Act 1993*, relating to the power to concur or not concur in the granting of consent to a development described as a non-complying development, the State Commission Assessment Panel (SCAP) has delegated its authority to concur or not concur in such matters. The power to not concur is delegated only where:

- A State Agency has advised that the application should be refused.
- The relevant Council has not requested to be heard.

In this regard, the Coast Protection Board recommends the application be refused.

It is acknowledged the application has incorrectly been included on the SCAP Agenda.

1.2 Status of Development

The proposal is categorised as a form of non-complying development under the PROCEDURAL MATTERS for the Coastal Conservation Zone in the District Council of Robe Development Plan. In this regard, both a "Dwelling" and "Office" are shown as forms of non-complying development within the zone.

The only exemptions relating to the construction of a "Dwelling" within the Zone are where either of the following criteria apply:

- 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 is for a detached dwelling and is located within Allotment 2001 of Deposited Plan 82834 and Sections 135, 227 and 228 of Hundred Plan 441800.*

In this regard, the proposal does not satisfy the above-mentioned exemptions (a) or (b).

The only exemption relating to the construction of an "Office" within the Zone is:

"Except where used for the purposes of administering the National Parks and Wildlife Act 1972."

In this regard, the proposal does not satisfy the above-mentioned exemption.

On 19/02/2019, the District Council of Robe Assessment Panel resolved to seek the concurrence of the State Commission Assessment Panel to grant Development Plan Consent for the relocation and redesign of a previously approved dwelling and the establishment of a transportable site office at 2082 Nora Creina Road, Nora Creina.

1.3 Heritage Agreement

A Heritage Agreement (GRO Plan 690/1987), between the Owners and the Minister for Environment and Planning was registered over a 22 hectare portion of the land on 05/04/1988, pursuant to Section 26 of the *State Heritage Act 1978*. The conditions of the Agreement mean the subject land is dedicated to the conservation of native vegetation and native fauna on the land and shall not be used in a manner inconsistent with that dedication.

The Owners would require the consent of the Minister to undertake or permit:

- The clearance of native vegetation;
- The planting of vegetation, whether native or exotic;
- The construction of a building or other structure;
- The grazing of stock;
- Any other activity that is likely to damage, injure or endanger the native vegetation or native fauna on the subject land.

It is noted that the boundaries of the Heritage Agreement area can be redefined by survey.

As the landward boundary for the Heritage Agreement area runs along the ridge line of the coastal landform, it is unknown whether the Coast Protection Board would have been consulted on the boundary alignment during the preparation of the Agreement.

1.4 Current Development Authorisation

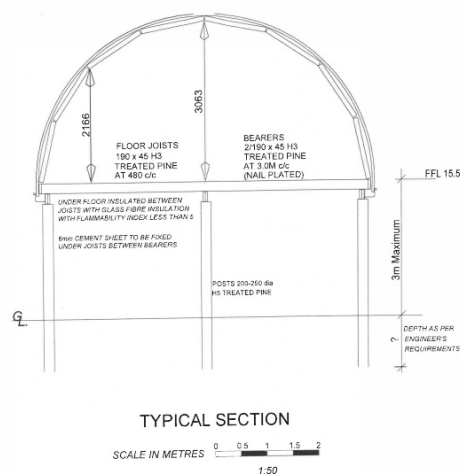
On 31/07/2015, the District Council of Robe granted Development Plan Consent to Development Application 822/100/14 for the construction of a detached dwelling on the subject land. A cross-section of the approved building is shown in Figure 1, below.

The application was categorised as a form of non-complying development and subject to general public notification as a Category 3 development. Statutory referral comments were provided by the Country Fire Service and The Coast Protection Board.

The Council sought and received the concurrence of the then Development Assessment Commission on its decision to approve the application.

The council has granted the proponents three (3) separate extensions of time on the development authorisation. As a result, the development authorisation 822/100/14 remains a valid and operable approval.

Figure 1: Typical section of approved dwelling.



2. DESCRIPTION OF PROPOSAL

Application details are contained in **Attachment 2**.

2.1 The Development

The proposed development seeks to vary the siting and design of the currently approved dwelling. In addition, the proposal is for the installation of a transportable site office in close proximity to existing buildings (sheds).

The revised location for the proposed dwelling would be 70 to 90 metres south-west of the currently approved dwelling site. It would also sit at a higher elevation than the approved dwelling site.

For ease of comparison, the siting and design features of the approved dwelling and proposed dwelling are listed in Figure 2, below.

Figure 2: Comparison of design features for the approved & proposed dwellings.

DESIGN FEATURE	APPROVED DWELLING	PROPOSED DWELLING
Roof:	Barrel vault.	Flat.
Pods:	One.	Three.
Podium:	Yes. Maximum clearance to ground level of 3m.	Yes. Maximum clearance to ground level of 3m.
Footings:	Three piers.	Three piers.
Internal Floor Area:	66m ²	51m ²
Deck Area:	62m ²	77m ²
Dwelling Height:	3.1m	2.6m
Finished Floor Level:	15.5 AHD.	20.5 AHD.
Finished Building Height:	18.6m	23.1m
Highest Adjacent Site Level:	15.7m AHD.	18.57m AHD.
Building Setback:	20m from Heritage Agreement area.	20m from Heritage Agreement area.
Access to Living Area:	Spiral staircase.	Spiral staircase.
External Finishes:	Colorbond 'Cove' roof. Cement sheet wall cladding.	Alucobond sheeting in Champagne Metallic 503 (yellowish grey colour).
Rainwater Tanks:	Four (4) under-floor. 15kL for domestic use & 22kL for fire-fighting.	Four (4) under-floor. 15kL for domestic use & 22kL for fire-fighting.
Wastewater:	Bio-cycle or similar.	Bio-cycle or similar.

The proposed site office is a 6 metres by 3 metres transportable building, which would not be used as a dwelling, but as an outbuilding for seed propagation and by people assisting with the vegetation management and revegetation of the allotment. In this regard, the process of revegetation involves data collection, seed collection and propagation of native species.

The transportable building would be able to be removed from the site on completion of the revegetation and management program.

2.2 Relocation and Redesign

The applicants advise the intent of the proposal continues to be the establishment of a small dwelling with minimal environmental impact on the land.

Some of the reasons posited for the proposed relocation of the development site are:

- The approved site is the shoulder of the slope where the most sensitive long-lived flora thrive, especially a remnant forest of Current Bush (*Leucopogon parviflorus*) and rarer '*Comesperm volubile*' (Blue Love Creeper).
- The proposed site is degraded, having been subject to unchecked motorbike and motor-cross riding.
- The proposed site is between two established fire tracks, minimising the need for new road cutting/upgrade.
- The elevation will more readily permit the use of a minimum number of solar panels to generate the required approximately 60 megawatts of power for a low environment impact dwelling. The alternative would be the installation of a domestic sub-station and overhead power lines.
- The proposed site would only be visible from the north-west property foreshore boundary, which is setback about one kilometre and separated by dunes and vegetation cover.
- The proposed site would not be visible from the Nora Creina Bay Council car park which is a premier public viewpoint.

Vehicle access to the site is from the unsealed Nora Creina Road which runs along the eastern or landward boundary of the subject land.

At a site inspection of the allotment in May 2019 it was noted:

- there are parts of the allotment which have been degraded through the trespass of recreational vehicles, the dumping of rubbish and the activities of previous land uses
- there are parts of the allotment which have been rehabilitated through the removal of weeds and rubbish, the installation of boundary fences, and the planting of indigenous flora
- the rehabilitation works on the allotment appear to be ongoing
- site preparation works have been initiated for the proposed dwelling site (see Figure 3)

Figure 3: Part of the proposed dwelling site.



2.3 Vegetation Management Plan

The applicants have prepared a Vegetation Management Plan (VMP) (see **Attachment 2**) in accordance with their conditions of approval for DA 822/100/14.

The objectives of the VMP are to:

- conserve native vegetation and native fauna within the area dedicated to the Heritage Agreement
- provide an environmental benefit to the subject land via revegetation and management
- manage existing pest plant populations on the subject land, and
- prevent new invasions of pest plants into remnant native vegetation

3. SITE AND LOCALITY

3.1 Site Description

The site consists of one (1) allotment, described as follows:

Lot No	Section	Street	Suburb	Hundred	Title
A2 D24257	x	2082 Nora Creina Road	Nora Creina	Waterhouse	CT5435/299

Figure 4: Proposed dwelling site & approved dwelling site.



Previously, the subject land formed part of a large, single section of about 345 hectares. The subject allotment was created by land division in 1985 (822/D012/85) and is of irregular shape and has a land area of 40 hectares. The western or seaward portion of the land, which comprises about 22 hectares, is subject to a heritage agreement for the protection of native vegetation and fauna.

The allotment is comprised of undulating fore-dunes which fall from northwest to southeast in the order of 10m. The land adjacent to Nora Creina Road is the lower, flatter section, but still undulating and rising to the dune peaks closer to the coast.

The boundaries of the subject allotment are described in the following manner:

- Northern boundary of about 950m length shared with other private land.
- Eastern boundary of about 580m length along the Nora Creina Road.
- Southern boundary of about 520m length shared with the foreshore coastal reserve and other private land, overlooking Nora Creina Bay.
- Western boundary of about 690m length along the foreshore coastal reserve, overlooking the Southern Ocean.

The allotment comprises farm buildings, a disused horse training track and a number of vehicle access tracks. The land outside of the Heritage Agreement area has previously been grazed. It has also been used for the uncontrolled dumping of urban waste. The allotment is also subject to trespass by local people and tourists using various all-terrain vehicles.

The allotment is relatively well vegetated with a mixture of locally indigenous flora and invasive weeds. A sand dune blow-out is evident in the north-western section of the allotment.

3.2 Locality

Figure 5: The Locality.



The subject allotment is about 300 metres north of the Nora Creina private shack area. The settlement contains over 60 dwellings which are leased to their occupants. Although the boundaries of the shack area were formally established in 1997, the genesis of the settlement was several decades ago.

Land to the east and north-east of the subject allotment is substantially cleared of vegetation cover and used for primary production activities, while the land to the west and south-west is a coastal reserve, which includes Cape Rabelais and is the interface to the Southern Ocean.

Land to the north is a large area allotment of about 300 hectares which is predominantly a heavily vegetated sand dune system. That allotment is not used for primary production activities and contains a detached dwelling, which was constructed in 2008 and is located in close proximity to the northern boundary of the subject allotment.

4. STATUTORY REFERRAL BODY COMMENTS

4.1 Coast Protection Board

The Coast Protection Board is a mandatory referral for regard in accordance with Item 1 under Schedule 8 of the *Development Regulations 2008*, because land within the

Coastal Conservation Zone is defined as coastal land. The District Council of Robe as the relevant authority must have regard to this advice.

Figure 6: Development Site (Source: Coast Protection Board aerial obliques).



The Coast Protection Board (CPB) recommends the application be refused as the proposed development:

- will result in a significant impact on native vegetation, thus impacting on local biodiversity values
- will potentially exacerbate the instability of the existing sand dune system, through vegetation removal and as a result of site preparations (cut and fill)
- will place the development at an increased risk of sand dune instability and mobility
- will have a significant visual impact on the landscape when viewed from key public nodes

Coastal Flooding and Erosion

The CPB advises the proposed (amended) development site, and the existing approved development site, are both located on areas of a large dune system which are presumed to be currently and relatively stable. However, there is a large dune blow-out some 80 metres to the north-west of the proposed site which indicates the potential for landform instability. The subject blow-out has the potential to expand and migrate inland if suitable conditions arise.

The CPB did not object to the currently approved siting partly on the basis that it would seem to involve less disturbance to substantial existing vegetation cover, and landform.

The CPB considers the proposed siting would increase the risk of dune de-stabilisation and the associated risk to the development from a sand drift / dune mobility hazard, due to the additional vegetation clearance required, and from what appears to be the

requirement to establish a relatively level building site on a steeper gradient. Cut and fill works would likely increase the risk of dune instability.

The CPB considers the proposal would increase the risk of dune instability to an unacceptable level. Notwithstanding the currently approved dwelling site, the CPB suggests the most suitable location for the dwelling would be in the cleared area where the existing farm buildings and site office are located.

Native Vegetation and Coastal Biodiversity

The CPB notes that the application information states that consideration of native vegetation was important in determining that the proposed site will be preferable to the approved site, and the revised site has been chosen as it has recently been impacted by off-road vehicle activity and is degraded.

However, the CPB suggests that adequate vegetation cover remains and it is likely that the damaged area will naturally regenerate if appropriately managed.

The CPB advises that from the information provided it appears that the impact on native vegetation associated with the current proposal is greater than that for the existing proposal, to an extent that it is not supported.

The CPB suggests that a detailed vegetation survey of both the approved and proposed development areas would clarify the merits of one site over the other in terms of native vegetation impacts, and that CFS fire safety requirements should also be considered.

Orderly Development

The CPB advises the proposal, as a form of scattered coastal development, would not provide a significant environmental benefit and would be subject to coastal hazards.

Coastal Amenity

The CPB notes the proposal is adjacent to a coastline that is relatively free of built development and has a highly valued scenic amenity. Also, the proposal would be partially visible from the nearby beach to the north-west.

The CPB advises the proposed development should not have a significant visual impact on the subject landscape including from key public nodes.

A full copy of the referral response is contained in **Attachment 3**.

4.2 SA Country Fire Service

The Country Fire Service (CFS) is a mandatory referral for direction in accordance with Item 18 (b) under Schedule 8 of the *Development Regulations 2008*, because the proposal is for the construction of a dwelling in a high bushfire risk area. The District Council of Robe as the relevant authority must have regard to this advice.

The CFS has no objection in principle to the proposal to undertake residential development on the allotment.

In order for the proposed development to be deemed suitable, the SA CFS requests the mandatory conditions of the Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) are addressed. The mandatory conditions refer to the provision of all-weather access for large fire-fighting vehicles, the provision of a dedicated water supply which is accessible for fire-fighting purposes, and the management of vegetation cover.

The CFS notes that the proposed access presents an extreme risk due to the distance to travel through hazardous vegetation. Further consideration should be given to the

safety of occupants and fire fighters in the event of an emergency, i.e. increasing the trafficable width of the main access route and providing a formed second access.

The CFS notes there are alternative sites on the allotment that present lower risks, i.e. requiring a lower construction level, closer proximity to the public road, safer access, and reduced proximity to the heritage boundary (inability to manage vegetation beyond the 20m proposed separation).

A full copy of the referral response is contained in **Attachment 3**.

5. COUNCIL COMMENTS

5.1 District Council of Robe

The Council has granted Development Plan Consent to the proposed development and in accordance with Regulation 25 of the Development Regulations 2008, it now seeks the concurrence of the State Commission Assessment Panel.

Council believes the proposed dwelling is an appropriate form of development because:

- It is designed and sited so that it does not impact on coastal features or visual amenity of the locality;
- It will provide some environmental outcomes associated with the management and revegetation of the land; and
- It will adequately addresses all bushfire requirements.

The Council believes the concerns raised by the Coast Protection Board are adequately addressed by the proposal because:

- It would be sited on solid ground and appropriately separated from the sand dune blow-out.
- It would be more than 100m from the coastal boundaries of the property and even further from the high watermark.
- The method of construction minimises cut and fill impacts on the landform.
- The proposed dwelling site would be outside of the Heritage Agreement area.
- The proposed dwelling site would be outside of the site of the endangered Little Dip Spider Orchid.
- The proposed dwelling site is more degraded than the approved site.

The Council considers the proposal would be designed and sited to minimise its impacts on the coastal environment and natural character. Their key reasons being:

- 1) The proposed dwelling will have a total floor area of 128 square metres which is considered to be small scale particularly in the context of the subject land totalling 40 hectares.
- 2) The proposed dwelling site is degraded by unchecked motorbike and motor-cross riding.
- 3) The undulating nature of the site and the existing vegetation would minimise the visibility of the dwelling in a manner that would not have an unreasonable adverse impact on the character, amenity or scenic beauty of the locality.
- 4) The views of the dwelling in its amended position would be limited given the setbacks to public roads and other dwellings.
- 5) The proposed dwelling site would be at a lower elevation than the hill/headland to the south-west of the proposed site, which shields views from the Cape Rabelais walkway.
- 6) The building would be clad with non-reflective material to be coloured in a natural muted tone to assist it to blend in with the natural landscape; and

Although the proposed site is more elevated than the currently authorised dwelling site, the Council considers the visual impact of the proposal to be mitigated because:

- The relatively small-scale of the dwelling and its siting away from the boundaries of the subject land and public walkways and roads.
- The rainwater tanks and solar electrical plant equipment would be located under the dwelling to decrease the foot print of the development.
- The dwelling would be clad in non-reflective materials in muted natural colours and tones to assist the dwelling with blending in with the natural environment.

A full copy of the report to the Council Assessment Panel is contained in **Attachment 4**.

6. PUBLIC NOTIFICATION

Pursuant to section 38 (2) (c) of the *Development Act 1993*, the application is assigned as a Category 3 development for the purposes of public notification because it is not a Category 1 or a Category 2 development.

The District Council of Robe received one (1) representation on the proposal during the public notification period.

A copy of the representation and the applicant's response are contained in **Attachment 5** and **Attachment 6** respectively.

7. POLICY OVERVIEW

The subject site is within the Coastal Conservation Zone as described within the District Council of Robe Development Plan Consolidated 15/12/2016.

The relevant planning policies are contained in **Attachment 7** and are summarised below.

7.1 Zone

The key objective (Objective 1) of the Coastal Conservation Zone is to enhance and conserve the natural features of the coast including visual amenity, landforms, fauna and flora. It is envisaged that low-intensity recreational uses will be located there where environmental impacts on the coast will be minimal (Objective 2).

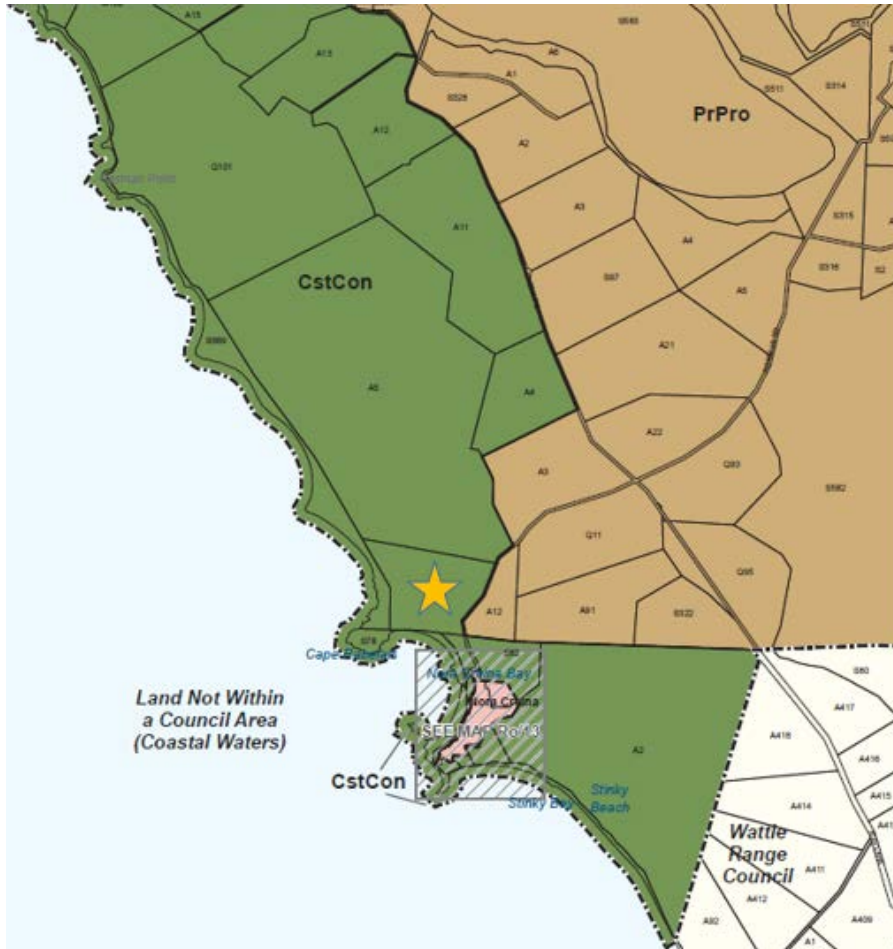
The coastal areas and dunes systems remain in a largely natural state and provide an important source of habitat and plant diversity. They are sensitive to human activity and are subject to the impacts of sea level rise and coastal erosion. As such, the zone requires careful and strict management practices.

Land in the zone should be retained in a natural state with protection of coastal dunes, cliffs, geological features and associated native vegetation being paramount. Sand dunes should be excluded from development.

Development within the zone should be mainly for essential purposes and associated with public recreation, navigation, or necessary minor public works (Principle of Development Control 3). Furthermore, development should be designed and sited to be compatible with conservation and enhancement of the coastal environment and scenic beauty of the zone (Principle of Development Control 8).

In addition, development should not adversely impact on the ability to maintain the coastal frontage in a stable and natural condition and, in any case, should be setback at least 100 metres from the coastal frontage (Principle of Development Control 9). Also, vehicle access points should be minimised, locally indigenous plant species should be used for landscaping purposes, and external building materials and finishes should be low reflective to blend with the landscape (Principle of Development Control 9).

Figure 7: Zoning Map.



7.2 Council Wide

The General Section (Council Wide) of the District Council of Robe Development Plan contains broad policies relating to ‘Coastal Areas’, ‘Design and Appearance’, ‘Siting and Visibility’ and ‘Sloping Land’, which are considered to be relevant to the proposed development.

Under ‘Coastal Area’, development should only be 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 (Objectives 2, 5 & 8 and Principles of Development Control 2 to 4).

Development along the coast should be compatible with the coastal environment in terms of built form, appearance and landscaping (Principle of Development Control 1), and should be concentrated into appropriately chosen nodes and not be in a scattered or linear form (Principle of Development Control 29).

Under 'Design and Appearance', development should be of a high architectural standard and building should be designed to reduce their visual bulk and provide interest through design elements (Objective 1 and Principles of Development Control 1 and 3).

Under 'Siting and Visibility', scenically attractive areas such as coastal landscapes should be protected and development should be sited and design to minimise its visual impact (Objective 1 and Principles of Development Control 1 to 5).

Under 'Sloping Land', development should be designed to manage visual impacts and to minimise impacts on the natural environment (Objective 1 and Principles of Development Control 1 and 2).

7.3 Policy Layer

The Mapping Section of the District Council of Robe Development Plan identifies the subject land as being located within a high bushfire risk area.

Bushfire Protection Area Map Ro/5 is contained in **Attachment 7**.

The General Section (Council Wide) of the District Council of Robe Development Plan contains broad policies relating to 'Hazards' which are considered to be relevant to the proposed development.

Development should be located to minimise the threat and impact of bushfires on life and property (Objective 5), and development within a Bushfire Protection Area should be in accordance with those provisions of the *Minister's Code: Undertaking development in Bushfire Protection Areas* that are designated as mandatory for Development Plan Consent purposes (Principle of Development Control 7).

8. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the District Council of Robe Council Development Plan, consolidated on 15/12/2016, which are contained in **Attachment 7**.

8.1 Land Use and Character

Generally, the Development Plan does not encourage urban development within the area of the Coastal Conservation Zone. Although where development does occur along the coast, Principle of Development Control 29, in the General Section – Coastal Areas, encourages it to be concentrated into appropriately chosen nodes or in the form of infill in existing developed areas, rather than in a scattered or linear form.

It is considered the proposed site office building would not significantly or adversely impact the coastal character of the locality. This is because it would be of a relatively small size and scale, similar to the existing buildings (sheds) and would be clustered with them in reasonable proximity to the property frontage along Nora Creina Road.

It is also considered that scattered residential development in the locality would be able to be tolerated without significantly impacting the coastal character. This is because the land division pattern is in the form of large area allotments, such as the subject allotment which is 40 hectares.

8.2 Design and Siting – Impact on Coastal Landform

In the Robe Council Development Plan, Objectives 1 and 3 and Principles of Development Control 7, 8 and 9 under the Coastal Conservation Zone, and Objectives 1 and 5 and Principles of Development Control 3 and 4 under the General Section - Coastal Areas encourage the enhancement and protection of the natural coastal environment, which includes environmentally important and sensitive features such as sand dunes and native vegetation.

In this regard, the CPB advises the proposed development site is located on an area of a large dune system. However, the proposed site is in relatively close proximity to a dune blow-out and the CPB considers that development would increase the risk of dune instability to an unacceptable level.

In response to the concerns raised by the CPB, the applicants advised of their extensive experience in the requirements of land rehabilitation for mining projects and familiarity with the project planning for environmental conservation and rehabilitation. They indicated the proposed dwelling site would be on the ridge of rocky mostly Pleistocene limestone.

In terms of protecting sensitive coastal landforms, the Robe Council advises its reasons for supporting the proposed development at the new site are:

- the site is on solid ground and appropriately separated from the sand dune blow-out
- the site is degraded
- the method of construction minimises cut and fill and impacts on the landform
- the site would be outside of the Heritage Agreement area
- the site would be well separated from the area of the endangered Little Dip Spider Orchid

It is noted that no independent expert technical advice has been provided to address the concern raised by the Coast Protection Board on the potential risk to sand dune stability from the proposed development. It is suggested the appropriate form of technical advice, which would provide clarification on the stability of the proposed dwelling site and surrounds, would likely be a geotechnical report prepared by a suitably qualified engineer.

In the absence of any independent expert advice to the contrary, it is considered the greatest regard on this matter should be given to the advice of the Coast Protection Board. Consequently, it is considered the proposed site would not be on solid ground and would not be appropriately separated from the sand dune blow-out. Furthermore, it is considered the development of the proposed site and surrounds would increase the risk of dune instability to an unacceptable level.

The submitted plans show the nearest part of the proposed dwelling setback 20 metres from the boundary of the Heritage Agreement area. It is considered that the proposed method of construction, with the living pods sitting on a podium supported by three well-spaced piers, would minimise the degree of disturbance through cut and fill to the coastal landform in comparison to that associated with a conventional solid slab foundation. Nevertheless, some degree of excavation, up to 400mm depth, would be required over the western portion of the building site in order to ensure the finished floor level of the living pods is 20.5m AHD and to achieve a clearance to ground level of 3m underneath the podium for the location of rainwater tanks and other infrastructure.

Having regard to the Heritage Agreement area over the allotment and the location of the proposed dwelling as shown on the submitted plans, it is considered the proposed

20 metre building setback is significant. This is because the building setback would allow the creation of a vegetation management zone for fire risk reduction without directly impacting the heritage area. It is also considered that a greater volume of excavation, probably 500mm to 1 metre depth, would be required to site the proposed dwelling due to the slightly steeper landform in the immediate locality.

It is noted the applicants have prepared their own vegetation management plan (see Attachment 2) to satisfy the requirements of their current development authorisation. Furthermore, the applicants have confirmed (see Attachment 4) the endangered Little Dip Spider Orchid occurs within the area of the Heritage Agreement and a suitable distance away from the proposed dwelling site. It is considered that this concern raised by the CPB has been adequately addressed by the applicants and the Council.

8.3 Design and Siting – Visual Impact

In the Robe Council Development Plan, Objective 1 and Principles of Development Control 1 to 5 under General Section - Siting and Visibility, and Objective 1 and Principles of Development Control 1 and 2 under General Section - Sloping Land, encourage the protection of coastal landscapes through the designing and siting of development to minimise its visual impact.

In this regard, the CPB advises the proposed dwelling should not have a significant visual impact on the coastal landscape including when viewed from key public nodes.

The Robe Council advises it is satisfied the proposed dwelling has been designed to minimise its visual impact and the impact on amenity for the following reasons:

- the dwelling will be setback about 420m from Nora Creina Road
- the dwelling is relatively small in scale and unlikely to be visually dominant in a locality comprised of undulating and vegetated coastal landforms
- the dwelling is unlikely to be visible from anywhere but the northern aspect of the locality, and the north-western boundary of the allotment is about one (1) kilometre from the dwelling site and separated by vegetated sand dunes
- the proposed dwelling site would be at a lower elevation than the Cape Rabelais headland to the south-west, which means it would not be visible from the public walkway
- the external finishes for the dwelling would be of non-reflective material in a natural muted tone to blend with the coastal landscape

Because of the relatively small scale and low profile of the proposed dwelling, it is considered the dwelling would not create a significant visual impact in the locality.

In this regard, the proposed dwelling would be setback a significant distance of over 400m from the Nora Creina Road, which is constructed on the landward side of the undulating and vegetated coastal landform and is an isolated road with very low traffic volumes which connects the Nora Creina settlement with the town of Robe. It is also considered the proposed dwelling would be obscured from view along the public walkway at Cape Rabelais due to the undulating, vegetated coastal landform between the two points.

Although the Council acknowledges the proposed dwelling would likely be partially visible from the coastal reserve adjacent to the north-western boundary of the subject allotment, this situation is considered to be tolerable. This is because the area of coastal reserve is quite isolated and the viewing point would be about a kilometre away and separated by undulating, vegetated coastal landforms. Furthermore, it is considered the visibility of part of the dwelling would signify the lawful occupation of land and may act to discourage some of the trespass by recreational vehicles and resultant damage to the coastal landforms.

It is considered the proposed non-reflective external finish with grey colour tone for the dwelling would be compatible with the vegetated coastal landform and would not adversely or significantly impact the amenity of the locality.

8.4 Design and Appearance

In the Robe Council Development Plan, Objective 1 and Principles of Development Control 1 and 3 under General Section - Design and Appearance encourage development of a high architectural standard that responds to and reinforces positive aspects of the local environment, and building design which exhibits an innovative style while reducing visual bulk and providing visual interest.

It is considered that the key design elements of the proposed dwelling would include the flat roof, the use of three relatively small living pods, the building podium elevated on three piers, the external grey metallic finish, and the under-floor location of rainwater tanks and service plant. It is considered these design elements would be consistent with the policy statements on Design and Appearance.

In this regard, the proposed flat roof would serve to minimise the height and visual impact of the dwelling, while the three living pods would provide small vertical and horizontal components as well as articulation due to being only 2.6m high, and each pod would be a separate but consistent built form element. The three piers supporting the podium would minimise the need for site excavation works and associated impact on the coastal landform.

Also the proposed metallic finish would complement the coastal environment and vegetation cover, and the rainwater tanks and other infrastructure located underneath the podium would not be visible from the public realm or adjoining land.

8.5 Alternative Sites

It is noted that both the CPB and CFS suggest there would be suitable alternative dwelling sites available on the allotment, which would adequately address their concerns about the degree of environmental impact on the coastal landform and convenient access for fire-fighting purposes respectively.

It is considered that alternative locations for a dwelling would be available and would be closer to Nora Creina Road and the existing outbuildings on the site. It is also considered that such alternative sites would not provide outward coastal views, but instead landward views over cleared farming lands.

8.6 Fire Hazard

In accordance with the expert technical advice provided by the Country Fire Service, it is considered that appropriate fire safety measures could be implemented for the proposed dwelling.

8.7 Rehabilitation of Sand Dune Blow-Out

The sand dune blow-out discussed by the Coast Protection Board is located in the north-west section of the allotment and within the heritage area. It is understood the blow-out would probably be able to be rehabilitated, but over time.

It should be noted the undertaking of rehabilitation works within the heritage area, in the form of the planting of vegetation and the construction of a building or other structure, would require the written consent of the Minister for Environment and Water, pursuant to Item 4 of the Heritage Agreement (see Attachment 2).

9. CONCLUSION

The key Development Plan objective for the Coastal Conservation Zone and land within coastal areas generally is the protection and enhancement of the natural coastal environment, which includes sand dunes and native vegetation.

There is a current development authorisation on the coastal allotment for the construction of a dwelling only, which sits on a large, vegetated sand dune system. It is considered that the approved dwelling site would have lesser environmental impact on the coastal landform and lower visual impact. Although, according to the applicant the site is in close proximity to sensitive long-lived native flora.

The proposal seeks to change the location and design of the proposed dwelling as well as to construct a site office to support ongoing rehabilitation works.

Although the Council accepts the proposed dwelling is designed and sited so that it does not impact on coastal features or the visual amenity of the locality, it is considered the siting of the proposed dwelling would not be sufficiently separated from the existing sand dune blow-out and would increase the risk of dune instability to an unacceptable level. It is acknowledged however that further clarification on this issue may be possible, but this would probably need to be in the form of expert technical advice through a geotechnical report.

It is considered that the design of the proposed dwelling would result in a small scale and low profile building, which would be appropriate for the coastal environment. Although the proposed dwelling would be partially visible from the public realm near the north-western corner of the subject land, it is considered that such visibility would be tolerable due to the isolated nature of the coastal reserve and the distance of the view being about one kilometre across undulating, vegetated coastal landforms. It is also considered that the 20 metre building setback from the Heritage Agreement area would contribute to minimising the visual impact of the proposed dwelling, as well as its impact on the coastal landform.

It is further noted, and confirmed by the CPB and the CFS, that there would be alternative dwelling sites available on the allotment with lesser environmental impact than the proposed site. Such sites would be clustered around the existing buildings on the site. However, they would provide landward views rather than outward coastal views.

It is acknowledged that significant rehabilitation works have been undertaken over the coastal landform, which will probably continue to be ongoing.

On balance, it is considered concurrence should not be granted to the application.

10. RECOMMENDATION

It is recommended that the State Commission Assessment Panel:

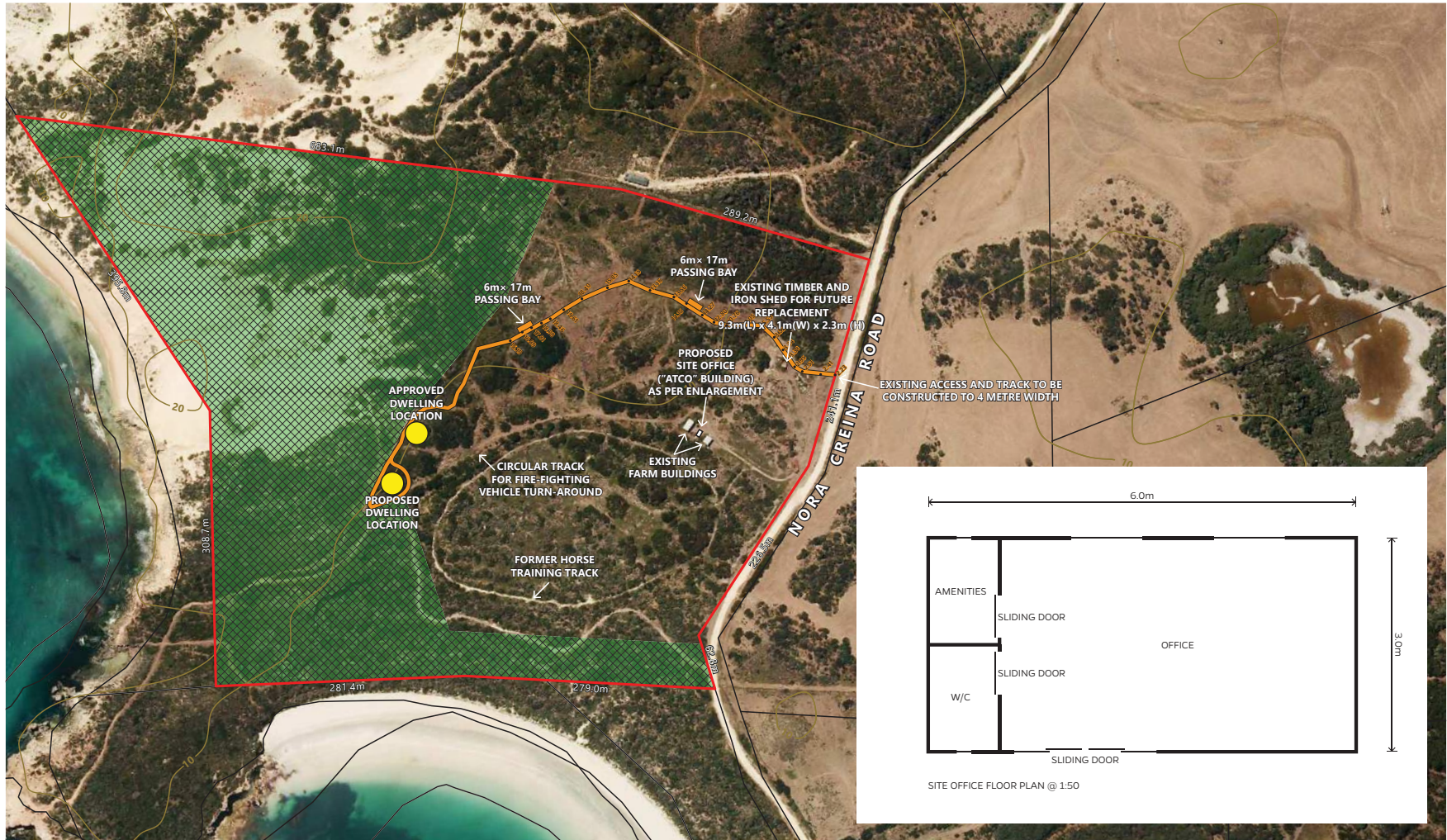
- 1) RESOLVE that the proposed development is NOT seriously at variance with the policies in the Development Plan.
- 2) RESOLVE that the State Commission Assessment Panel is not satisfied that the proposal generally accords with the relevant Objectives and Principles of Development Control of the District Council of Robe Development Plan.
- 3) RESOLVE to NOT CONCUR to the decision by the District Council of Robe to grant Development Plan Consent to Development Application 822/037/18 (822/R002/19) by T Egan and L Hemphill for the construction of a dwelling and a transportable site office on A2 D24257, 2082 Nora Creina Road, Nora Creina for the following reasons,

Reasons for not concurring:

- The proposal would not enhance and conserve the natural features of the coast (Coastal Conservation Zone: Objective 1 & Principles of Development Control 8 and 9; General Section – Coastal Areas: Objectives 1 and 5 & Principles of Development Control 3 and 4).
- The proposal would not contribute to the desired character of the zone (Coastal Conservation Zone: Objective 3 & Principles of Development Control 7, 8 and 9).

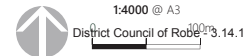


Malcolm Govett
PLANNING OFFICER
PLANNING AND LAND USE SERVICES DIVISION
DEPARTMENT OF PLANNING, TRANSPORT and INFRASTRUCTURE



- Subject land
- Heritage agreement area
- Fire access track minimum 4 metres wide
- Passing bay 17x6 metres

Note: High Bushfire Risk Area – minimum 22,000 litres of water storage for fire fighting



District Council of Robe 3.14.1

33 Carrington Street
 Adelaide SA 5000
 CAP Agenda 19 February 2018
 Tel: 08 8193 5600
 Fax: 08 8221 6001

masterplan.com.au

plan@masterplan.com.au
 © FEB 2018 DS:14216_1.0



Site Office Plan

at Cape Rabelais, 2082 Nora Creina Road
 NORA CREINA
 for Thomas Egan and Linda Hemphill



- Subject land
- Heritage agreement area
- Fire access track minimum 4 metres wide
- Passing bay 17x6 metres

Note: High Bushfire Risk Area – minimum 22,000 litres of water storage for fire fighting

Dwelling Location Plan
PROPOSED CARETAKERS DWELLING
 at Cape Rabelais, 2082 Nora Creina Road
 NORA CREINA
 for Thomas Egan and Linda Hemphill



Heritage Area Boundary

Site Plan Enlargement
 VARIATION TO APPROVED CARETAKERS DWELLING

2082 Nora Creina Road
 NORA CREINA

for Thomas Egan and Dr Linda Hemphill

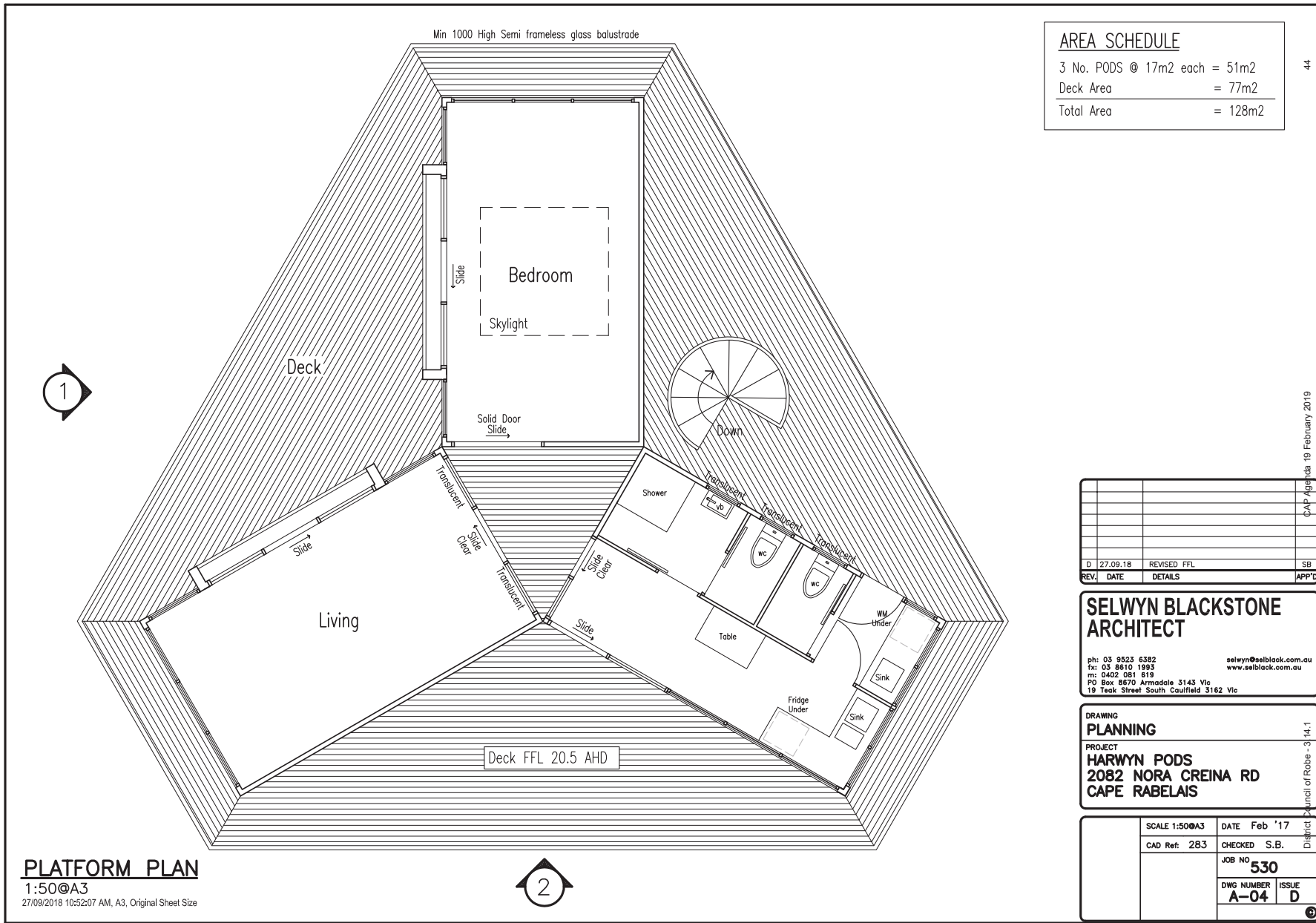


CAP Agenda 19 February 2019

33 CARRINGTON STREET
 ADELAIDE SA 5000
 Tel: 08 8193 5600
 Fax: 08 8221 6000

MASTERPLAN.COM.AU
 PLAN@MASTERPLAN.COM.AU
 © JULY 2017 DS:14216_1.2





AREA SCHEDULE	
3 No. PODS @ 17m2 each	= 51m2
Deck Area	= 77m2
Total Area	= 128m2

44

CAP Agenda 16 February 2019

REV.	DATE	DETAILS	APP'D
D	27.09.18	REVISED FFL	SB

SELWYN BLACKSTONE ARCHITECT

ph: 03 9523 6382 selwyn@selblack.com.au
 fx: 03 8810 1993 www.selblack.com.au
 m: 0402 081 819
 PO Box 8870 Armadale 3143 Vic
 19 Teak Street South Caulfield 3162 Vic

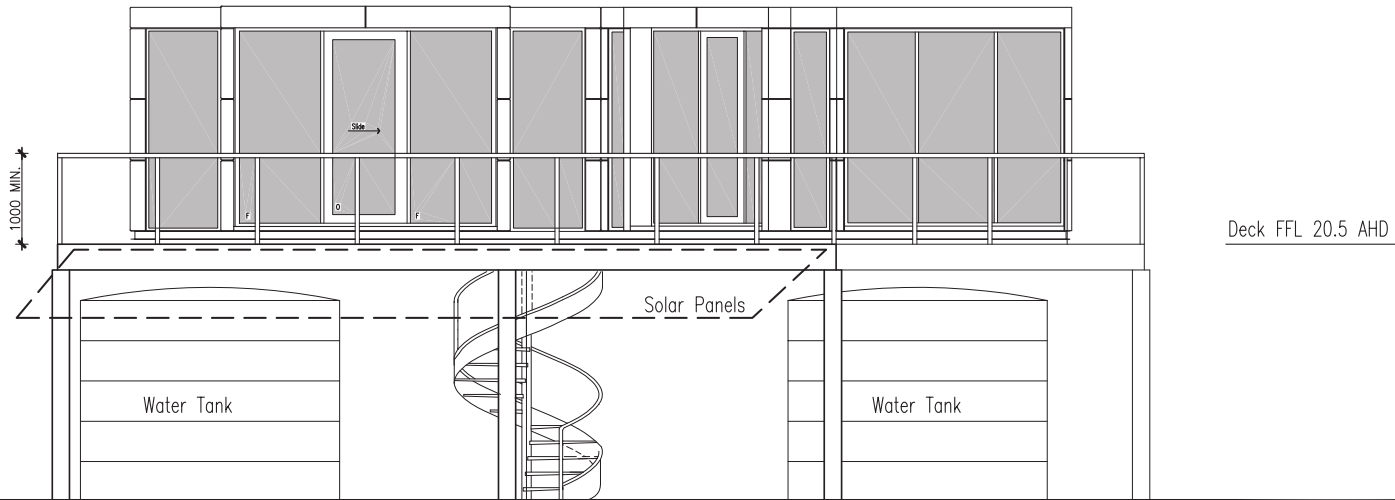
DRAWING
PLANNING

PROJECT
**HARWYN PODS
 2082 NORA CREINA RD
 CAPE RABELAIS**

SCALE 1:50@A3	DATE Feb '17	District Council of Robe - 31/4.1
CAD Ref: 283	CHECKED S.B.	
JOB NO 530		DWG NUMBER A-04 ISSUE D

PLATFORM PLAN
 1:50@A3
 27/09/2018 10:52:07 AM, A3, Original Sheet Size





ELEVATION 1

1:50@A3

27/09/2018 10:51:20 AM, A3, Original Sheet Size

REV.	DATE	DETAILS	INIT.
C	27.09.18	REVISED FFL	SB

SELWYN BLACKSTONE ARCHITECT

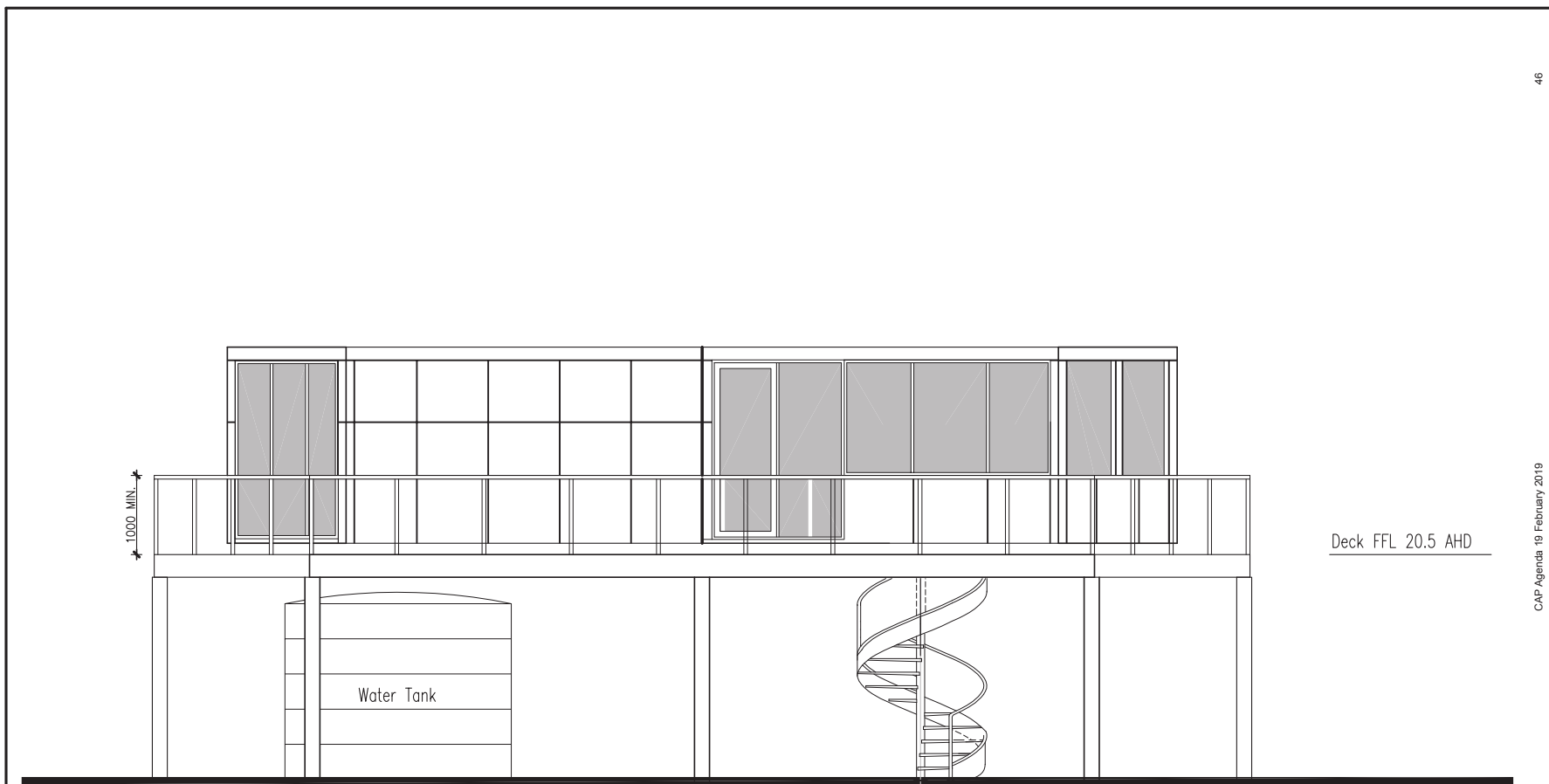
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DRAWING PLANNING

PROJECT
HARWYN PODS
2082 NORA CREINA RD
CAPE RABELAIS

SCALE 1:100@A3	DATE Feb '17
CAD Ref: 283	CHECKED S.B.
	JOB NO 530
	DWG NUMBER A-06 ISSUE C



ELEVATION 2

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27/09/2018 10:51:47 AM, A3, Original Sheet Size

REV.	DATE	DETAILS	INIT.
C	27.09.18	REVISED FFL	SB

SELWYN BLACKSTONE ARCHITECT

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DRAWING PLANNING

PROJECT
HARWYN PODS
2082 NORA CREINA RD
CAPE RABELAIS

SCALE 1:100@A3	DATE Feb '17
CAD Ref: 283	CHECKED S.B.
JOB NO 530	DWG NUMBER A-07
ISSUE C	

4 March 2019



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Council Offices
3 Royal Circus, Robe SA 5276

Team Leader
State Commission Assessment Panel
GPO Box 1815
ADELAIDE SA 5001
Email: scapadmin@sa.gov.au



Dear Sir/Madam

Re: Development Application No: 822/037/18
Applicant: Mr Thomas Egan & Dr Linda Hemphill
Description: Proposed dwelling and site office
Address: Lot 2 in DP 24257, Nora Creina Road, Nora Creina

Pursuant to Regulation 25 of the Development Regulations, 1993 the concurrence of the Commission is sought in regard Council's decision to approve the above application which is for a non-complying development.

All required documentation has already been submitted to the Commission.

Accordingly, the Commission is asked to concur with Council's decision.

Please contact the undersigned, should you wish to discuss this matter further, or require any additional information or clarification

Yours faithfully

A handwritten signature in black ink, appearing to read "Michelle Gibbs".

Michelle Gibbs
Development Officer



Development Application Form

Development Act 1993

District Council of Robe
 Royal Circus
 Robe SA 5276
 Tel 08 87682003
 Fax 08 87682432
 Email council@robe.sa.gov.au
 Website www.council.robe.sa.gov.au



Development Number: 822/ /		Previous development number: 822/ 100 / 14	
Application type (please tick one box only)			
Planning consent only <input checked="" type="checkbox"/>		Building Rules consent only <input type="checkbox"/> Full Development Approval <input type="checkbox"/>	
Location of proposed development:			
House no: 2082	Lot No: 2	Street: Nora Creina Road	
Hundred: Waterhouse	Volume: 5435	Folio: 299	
Details of parties:			
Applicant: Mr Thomas Egan and Dr Linda Hemphill			
Address: 13-19 Adeney Avenue, Kew, Victoria		P/code: 3101	
Mobile:	Phone: 03 9817 3666	Email: thomas@ozelawyers.com	
Owner: As above			
Address:		P/code:	
Mobile:	Phone:	Email:	
Builder: Harwyn Pods			
Address:		P/code:	
Mobile:	Phone:	Email:	
Principal contact: Applicant <input checked="" type="checkbox"/>		Owner <input type="checkbox"/> Builder <input type="checkbox"/>	
Description of proposed development:			
Description of proposed development – (eg. Dwelling, shed, shop, demolition)			
Variation to siting and design of approved caretakers dwelling			
Development costs: (does not include any fit out costs): \$250,000			
Note: Council may require written justification to verify costs.		Floor area: 128 m ²	
Declarations:			
a. Building rules:- Classification sought <input type="checkbox"/>		Present class <input type="checkbox"/>	
b. If class 5, 6, 7, 8 or 9 is sought state the proposed no. of employees		Male	Female
c. If class 9a classification is sought, state the number of persons for whom accommodation is provided			
d. If class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises:			
e. Does either Schedule 21 or 22 of the Development Regulations 2008 apply?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
f. Has the Construction Industry Training Fund Act Levy been paid:		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Acknowledgment/Authorisation:			
I acknowledge that copies of this application and support documentation may be provided to interested persons in accordance with the <i>Development Act 1993</i> and <i>Regulations 2008</i> .			
Name: Thomas Egan		Signature:	
Owner/ Applicant/Builder		(Delete whichever does not apply)	
		Date: 18 / 05 / 2017	

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



Government
of South Australia

To: District Council of Robe

From: Mr Thomas Egan and Dr Linda Hemphill

Date of Application: 18 05 / 2017

Location of Proposed Development: _____

House No: 2082 Lot No: 2 Street: Nora Creina Road

Town/Suburb: Nora Creina

Section No (full/part): _____ Hundred: Waterhouse

Volume: 5435 Folio: 299

Nature of Proposed Development: Variation to siting and design of approved caretakers dwelling

I Thomas Egan 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: 18, 5, 2017



**Government
of South Australia**

Note 1

This declaration is only relevant to those development applications seeking authorisation for a form of development that involves the construction of a building (there is a definition of 'building' contained in section 4(1) of the Development Act 1993), other than where the development is limited to –

- a) an internal alteration of a building; or
- b) an alteration to the walls of a building but not so as to alter the shape of the building.

Note 2

The requirements of section 86 of the Electricity Act 1996 do not apply in relation to:

- a) an aerial line and a fence, sign or notice that is less than 2.0 m in height and is not designed for a person to stand on; or
- b) a service line installed specifically to supply electricity to the building or structure by the operator of the transmission or distribution network from which the electricity is being supplied.

Note 3

Section 86 of the Electricity Act 1996 refers to the erection of buildings in proximity to powerlines. The regulations under this Act prescribe minimum safe clearance distances that must be complied with.

Note 4

The majority of applications will not have any powerline issues, as normal residential setbacks often cause the building to comply with the prescribed powerline clearance distances. Buildings/renovations located far away from powerlines, for example towards the back of properties, will usually also comply.

Particular care needs to be taken where high voltage powerlines exist; or where the development:

- is on a major road;
- commercial/industrial in nature; or
- built to the property boundary.

Note 5

An information brochure: 'Building Safely Near Powerlines' has been prepared by the Technical Regulator to assist applicants and other interested persons.

This brochure is available from council and the Office of the Technical Regulator. The brochure and other relevant information can also be found at sa.gov.au/energy/powerlinesafety

Note 6

In cases where applicants have obtained a written approval from the Technical Regulator to build the development specified above in its current form within the prescribed clearance distances, the applicant is able to sign the form.

Certificate of Title - Volume 5435 Folio 299

Parent Title(s) CT 4330/857
Creating Dealing(s) CONVERTED TITLE
Title Issued 16/07/1997 **Edition** 4 **Edition Issued** 09/02/2016

Estate Type

FEE SIMPLE

Registered Proprietor

THOMAS FRANCIS EGAN
OF 13-19 ADENEY AVENUE KEW VIC 3101

Description of Land

ALLOTMENT 2 DEPOSITED PLAN 24257
IN THE AREA NAMED NORA CREINA
HUNDRED OF WATERHOUSE

Easements

NIL

Schedule of Dealings

Dealing Number	Description
6519022	HERITAGE AGREEMENT PURSUANT TO SOUTH AUSTRALIAN HERITAGE ACT, 1978 OF PORTION
12388773	MORTGAGE TO FLORENCE ELIZABETH EGAN

Notations

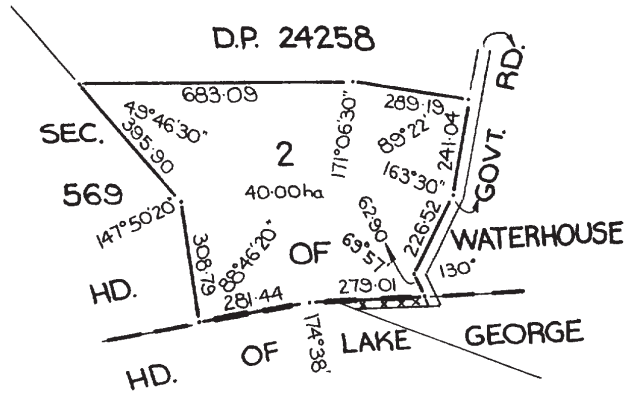
Dealings Affecting Title NIL
Priority Notices NIL
Notations on Plan NIL

Registrar-General's Notes

PLAN FOR HERITAGE AGREEMENT PURPOSES VIDE G690/1987

Administrative Interests

NATIVE VEGETATION HERITAGE AGREEMENT HA 177



PREFIX

A 114

6519022



REGISTRAR-GENERAL'S OFFICE SOUTH AUSTRALIA

FORM APPROVED BY THE REGISTRAR-GENERAL

CERTIFIED CORRECT FOR THE PURPOSES OF THE REAL PROPERTY ACT, 1986, AS AMENDED (SIGNED)

Solicitor/Licensed Land Broker JOHN W. FENN

SERIES NO. TO BE COMPLETED BY AGENT

Table with columns for FEES, R.G.O., POSTAGE, ADVERTISING, NEW C.T. TO ISSUE and TIME. Includes date 21 APR 1988 and time 14:10.

OFFICE NOTES:

CROWN INSTRUMENT NO FEES PAID

GRO Plan 690/1987 Dep. Road Plan 8715 affects CR Road Plan

BELOW THIS LINE FOR OFFICE USE ONLY

EXAMINATION

Table for examination with columns for CORRECTION, PASSED, O.D.R. No., REFERRED, RETURNED, EXAMINER'S INITIAL, and NOTES No.

REGISTERED ON 26.7.1988 AT 15:00AM/PM BY ENTRY OF A MEMORIAL OF THIS INSTRUMENT IN THE REGISTER BOOK. VOL. 4261 FOLIO 776

DeMunand pro.



BELOW THIS LINE FOR AGENT USE ONLY

Lodged by: Address: Crown Solicitors Office S.G.I.C. Building 211 Victoria Square Adelaide

Correction to CSOL

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

- List of 5 items for lodging, including 1. A.G. 4261/776. Includes Received items No. Assessor signature.

PLEASE ISSUE NEW CERTIFICATES OF TITLE AS FOLLOWS

- List of 5 items for issuing new certificates of title.

ITEM(S) DELIVERED-POSTED

IN ACCORDANCE WITH DELIVERY INSTRUCTIONS

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

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CAP Agenda 9 February 2019

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AGENT'S INITIALS

NVMB 1036/86 TCI JFA.

STATEMENT OF EFFECT

Variation to Approved Caretaker's Dwelling and Site Office

for: Mr Thomas Egan and Dr Linda Hemphill
at: 2082 Nora Creina Road, Nora Creina



Prepared by
MasterPlan SA Pty Ltd
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February 2018



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1.0 INTRODUCTION

On behalf of Mr Thomas Egan and Dr Linda Hemphill a development application has been submitted to vary the siting and design of the approved caretaker's dwelling at 2082 Nora Creina Road, Nora Creina. Council has determined that the variation, which also includes a site office, is a form of development to be assessed as a new application and is a non-complying form of development.

2.0 BACKGROUND

The District Council of Robe granted Development Plan Consent to Development Application 822/100/14 for a 'detached dwelling' on 31 July 2015. Requests for an extension of time in which to commence the development have been submitted and approved by Council.

Since obtaining the planning consent, Mr Egan and Dr Hemphill have undertaken extensive work on the site in relation to the vegetation management. Condition 4 (quoted below) of the Development Plan Consent required a progress report on the vegetation management. Whilst the conditions were required to be actioned after development approval was granted, my clients have provided Council with a progress report. Furthermore, my clients continue to work towards the approved vegetation management plan.

"4. Revegetation and conservation works shall be undertaken on the subject land as per the vegetation management plan (dated 22 May 2015) and a report shall be provided to Council 12 months after the issue of development approval and thereafter on a yearly basis for the following two years, outlining the progress of the works which shall occur in accordance with the schedule provided within Table 4 of the vegetation management plan."

Whilst undertaking the vegetation improvement on the subject land over the past two years, my clients have revised the desired siting of the caretaker's dwelling and its design. Subsequently, this application is submitted to vary the siting and design of the dwelling. Furthermore, my clients have sited a transportable "site office" on the property, which they utilise as a base to manage the property. The site office also forms part of this development application.

3.0 SUBJECT LAND AND LOCALITY

The subject land is in the ownership of Mr Egan and Dr Hemphill. Formerly the land was owned by Mr/s A R and J M Cullen, who owned the property from 1963 until it was sold to Mr Egan and Dr Hemphill in or about 2016.

In 1988 Mr/s Cullen entered into a Heritage Agreement with the then Minister for Environment and Planning in relation to Section 82 of the County of Grey and Sections 120 and 325 in the Hundred of Waterhouse, comprised in Certificate of Title Volume 4261 Folio 776. At that time it was agreed that 315 hectares of the 408 hectare site would be included in a Heritage Agreement as defined in GRO Plan 690/1987 (copy submitted with the development application).



The land subject to the Heritage Agreement (6519022) is dedicated to the conservation of native vegetation and native fauna and shall not be used in a manner inconsistent with that dedication.

Since the Heritage Agreement was established, the land has been subdivided. It is understood the land division occurred in 1988, creating Allotment 2. The Heritage Agreement remains current and applicable to Allotment 2.

The land immediately adjoins Cape Rabelais, is undulating and comprises sand dunes and areas of native vegetation. The sand dunes are located within the area of the Heritage Agreement, the boundaries of which are irregular. The property has road frontage to Nora Creina Road.

Legally the land is described as Allotment 2, Deposited Plan 24257, Hundred of Waterhouse in Certificate of Title Volume 5435 Folio 299. The land has an area of 40 hectares and it is estimated that the Heritage Agreement covers approximately 22 hectares of the site.

Currently the site comprises farm buildings, a disused horse training track and a number of vehicular access tracks, all of which are visible on the aerial photograph locality plan submitted with the development application. The land outside of the Heritage Agreement Area has previously been grazed.

Land to the east and south-east of the subject property is the principal farm and farm dwelling of the former owner, Mr Cullen. Land further north-east and east is utilised for farming purposes

To the south-east of the subject land is the settlement of Nora Creina. Nora Creina comprises a range of permanent and holiday dwellings.

Immediately north of the subject land is Allotment 5, which is also contains part of the land covered by the Heritage Agreement. Allotment 5 contains a detached dwelling in close proximity to the northern boundary of the subject land.

4.0 PROPOSED VARIATION

As described in the approved application, the proposal is a small-scale dwelling, to be constructed outside of the designated heritage area which exists on the site. The dwelling is effectively a caretaker's dwelling as Mr Egan and Dr Hemphill live in Melbourne, but intend to utilise the accommodation for extended periods to enable revegetation and management of the subject land.

The approved development incorporated an elevated building with verandahs (decks) with water storage under the building. The proposal as now varied is a modular form of development that can be constructed within the sensitive environment via a less intrusive construction method and thereby minimising the disturbance to the area. It is proposed to utilise a 'Harwyn Pods' www.harwyn.com.au with a 'surefoot' footing system that is effectively a peer footing with plates that the pod is installed onto.



The site office is a 6.0 metres x 3.0 metres transportable building (as shown in the photograph below), which is sited adjacent to the existing outbuildings. The office provides a base for my clients when on site and as shown in the photographs incorporate solar hot water, weather station and satellite dish. The office is not a dwelling, but rather a comfortable outbuilding with amenities and resources for the use of my clients and people assisting with the vegetation management and revegetation of the subject land. A significant part of the revegetation of the site involves data collection, seed collection and propagation of native species which are utilised in the science of conservation of the site. The weather station monitors and recording equipment sited at the site office. The site office and existing outbuildings are utilised for seed propagation.


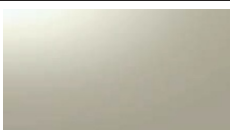


Photographs of the site office.

Plans attached to the application prepared by Selwyn Blackstone Architects and MasterPlan (**Appendix A**) illustrate the proposed dwelling and the site office.



The following table compares the approved and proposed dwelling:

Approved Dwelling	Proposed Dwelling
Sited approximately 400 metres from Nora Creina Road	Sited approximately 420 metres from Nora Creina Road
A modular construction of curved roof elements and external decks	A modular construction comprising three flat roofed pods with verandah around
Comprising one main living room/bedroom and ancillary kitchen and bathroom/laundry	Comprising one bedroom, one living area and a kitchen/bathroom/laundry
Total area of 129 square metres comprising 66.27 square metres floor area, plus decks of 62.63 square metres	Total area of 128 square metres comprising 51 square metres floor area, plus deck of 77 square metres
Overall maximum dimensions 13.53 metres x 15.16 metres	Overall maximum dimensions 14.15 metres x 12.5 metres
Maximum building height of 3.063 metres	Pod height of 2.6 metres
Elevated above natural ground level approximately 3.0 metre with finished floor level of 15.50 metres AHD	Elevated above natural ground level approximately 3.0 metres with finished floor level of 20.5 metres AHD
Finished building height above natural ground level approximately 18.56 metres	Finished building height above natural ground level approximately 23.1 metres
Highest adjacent noted site level – 15.77 metres AHD	Highest adjacent noted site level – 18.57 metres AHD adjacent boundary of the heritage area to the north. The headland of Cape Rabelais to the south west of the site is approximately 22 metres AHD
Difference between highest noted site level and proposed FFL - 0.27 metres	Difference between highest noted site level and proposed FFL + 1.93 metres
'Colorbond' roofing and cement sheet wall cladding, timber windows and decking	External walls and roof of Alucobond material – "Champagne Metallic 503"
 <p>Cove</p> <p>Approved colour of walls and roof – "Colorbond™ Cove Colour"</p>	 <p>Proposed colour of walls and roof - Alucobond "Champagne Metallic 503"</p>
Bio-cycle or similar of effluent disposal	Unaltered
15,000 litres rainwater storage, proposed to be accommodated under the dwelling	Unaltered
Minimum 22,000 litres dedicated fire water storage, proposed to be accommodated under the dwelling	Unaltered
Utilisation of an existing driveway entrance to Nora Creina Road	The access is retained and continues to follow an existing track on-site
Upgrading of an existing internal access track as an all-weather road for vehicle access to the standard required for entrance and exit of fire fighting vehicles with suitable passing bays	Unaltered location and extended by approximately 90 metres
Clearance of a 20 metre asset protection zone around the dwelling	Clearance of a 20 metre asset protection zone around the dwelling



Whilst the proposed site has a higher elevation, it is superior in terms of environmental impact/conservation and functionality. The area of the approved dwelling contains substantial Current Bush (*Leucopogon parviflorus*) and the rarer 'Comesperma volubile' (Blue Love Creeper), and its wider locality is a sandy hollow. Whilst the Current Bush is a common coastal species it is difficult to propagate and not reproducing naturally. Given the underlying intent of purchasing the property was to manage and revegetate the sensitive coastal environment, the protection of the existing Coastal Bearded Heath is considered appropriate and important. Furthermore, the relocation of the dwelling will allow for native species to establish within the sandy hollow.

It is acknowledged that the proposed location for the dwelling will be more elevated than the approved dwelling. However for the reasons outlined and discussed below, the proposed new dwelling site and will not be visually dominant in a manner that is detrimental to the character of the locality. In considering the relative change in height of the dwelling, it is requested that it be considered in the context of the following:

- the intent of the development continues to be the establishment of a small dwelling with minimal environmental impact on the land;
- whilst the siting of the dwelling is further up the slope than the approved location, the original site is the shoulders of the slope where the most sensitive long-lived flora thrive, especially a remnant forest of Current Bush (*Leucopogon parviflorus*) and rarer 'Comesperma volubile' (Blue Love Creeper);
- the proposed dwelling site is degraded, having been subject to unchecked motorbike and motor-cross riding (see photographs below);
- the proposed site is between two established fire tracks, minimising the need for new road cutting/upgrade;
- to minimise the impact my clients wish to locate rainwater tanks and solar electrical transfer plant under the building, rather than adjacent the building, which would increase the footprint;
- the height of the finished floor level is set by the height of the tanks to achieve a sustainable volume of water for use in the dwelling and the firefighting tanks. Excavation of the area below the dwelling has been considered, but is considered to be unnecessarily invasive which would cause soil disturbance and potential erosion and other degradation;
- the elevation will more readily permit the use of a minimum number of solar panels to generate the required approx. 60 megawatts. of power for a low environment impact dwelling. A lower FFL and consequent lower elevation to the north for the solar panel array (noting they are attached below the deck line), may result in the need for additional solar panels and therefore be more visually intrusive;



- an alternative to solar panels is for my clients to connect to mains power, at a similar cost. Connection to the grid would involve a domestic sub-station on poles within close proximity to the Nora Creina Road feeding power to the property and overhead wires on poles across the property for approximately 400 metres. Utilisation of renewable energy is more environmentally sustainable and less visually dominant and more aligned to the philosophy of my clients for the use and conservation of the property;
- to the south-west of the proposed site, along which cliff top day walkers access Rabelais Beach from the Nora Creina Bay Council car park, is the hill/headland, which is estimated to have an elevation of 22 metres. This landscape feature shields the proposed dwelling from view from this premier public viewpoint;
- the proposed dwelling at the proposed FFL would only be visible from the north aspect, looking south along Rabelais Beach foreshore. This aspect is setback approximately 1.0 kilometre from the north-western property foreshore boundary and separated by dunes and vegetation within the designated heritage area of the property; and
- considered in relative terms and taking in the wider locality, the proposed dwelling is small in scale in terms of both size and siting than many other more substantial dwellings that have been established above the ridge line and at greater elevations, within the adjoining Nora Creina settlement.



Photographs illustrating broken and damaged vegetation by motorcycles that have entered the property.



5.0 DEVELOPMENT PLAN ASSESSMENT

The proposed development is located within the Coastal Conservation Zone of the Robe Council Development Plan (consolidated 15 December 2016). The zoning of the property has not altered since the original caretakers dwelling application was approved.

A detailed assessment of the appropriateness of the land use was undertaken in determining the original development application. The following is an assessment of the proposed variations against the most relevant provisions of the Development Plan and particularly relate to the use and siting of the proposed site office and the siting, height and visibility of the proposed dwelling.

The objectives of the Coastal Conservation Zone seek to conserve and enhance the natural features of the coast, including landform, fauna and flora. This conservation aim is further stated in the Desired Character Statement.

Coastal Conservation Zone

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

Objective 3: Development that contributes to the desired character of the zone.

Desired Character Statement

The coastal margins of the Council area are an important and integral component of the ecosystem, providing a buffer between the active coastal process and the more stable terrestrial environment beyond.

Because of the level of human intervention in clearing land for agriculture, the coastal areas and dunes systems remain in a largely natural state and provide an important source of habitat and plant diversity.

The coastal areas are sensitive to human activity and are subject to the impacts of sea level rise and coastal erosion. As such, the zone requires careful and strict management practices. Land in the zone will be retained in a natural state with protection of coastal dunes, cliffs, geological features and associated native vegetation being paramount. Agricultural activity will be limited to existing cleared areas and cliff tops, and sand dunes will be excluded from development.

The siting of buildings associated with farming pursuits will be limited to existing cleared areas and the replanting of native vegetation common to the area will be required.

Parts of the zone are at risk of coastal flooding and erosion, and this risk will increase in the event of future sea level rise due to climate change.

The proposal continues to be consistent with the objective and desired character statement in the following ways:

- the dwelling in its amended location continues to be outside of the dedicated heritage area of the subject land. The heritage area has already been dedicated to the protection of the site's sensitive coastal dunes and flora and fauna;



- revegetation and management of weeds has been commenced;
- siting of the proposed small-scale caretaker's dwelling is outside of the designated heritage area and not located on the significant coastal dunes, cliffs or areas of native vegetation. The amended site of the proposed dwelling is unlikely to be the subject of coastal erosion or sea level rise given its elevation;
- the views of the dwelling in the amended location would be limited given the setbacks to public roads and other dwellings;
- the dwelling has an elevation lower than the hill/headland to the south-west of the proposed site, which shields views from this premier Cape Rabelais walkway;
- the proposed dwelling at the proposed FFL would only be visible from the north aspect, looking south along Rabelais Beach foreshore. These views are not readily available from a publicly accessible place and furthermore and separated by dunes and vegetation within the designated heritage area of the property;
- the dwelling is not sited on the highest portion of the subject land;
- the dwelling on the adjoining land and within the settlement of Nora Creina are developed on elevations similar to that proposed by this variation; and
- the dwelling has a floor area of approximately 128 square metres which is miniscule within the site of 40 hectares.

The dwelling in its amended location is adjacent an existing access track and area degraded by previous farming activities and damage from uncontrolled motorcycle activity on the site. The amended location continues to be outside of the designated heritage area and the development will incorporate replanting of indigenous vegetation. It is considered that the proposal continues to be consistent with Principles of Development Control 7 and 8 of the Coastal Conservation Zone, in that the nature of the development is small-scale, and it is sited and designed to be compatible with the coastal environment.

The siting of the proposed site office is within a conglomeration of buildings (as shown in the photographs) and setback approximately 120 metres from Nora Creina Road. The building is small in scale, having dimensions of 6.0 metres in length and 3.0 metres in width. Given the scale and siting of the site office building it is not considered visually obtrusive in the environment and does not adversely affect the character or amenity of the site or locality.

Form and Character

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

PDC 8 Development should be designed and sited to be compatible with conservation and enhancement of the coastal environment and scenic beauty of the zone.



Principle of Development Control 9 of the Coastal Conservation Zone provides further guidance in relation to design and siting of development. The proposed caretaker's dwelling in its amended form satisfies PDC 9 in the following manner:

- the development is in excess of 100 metres from the coastal boundaries of the property;
- siting of the development outside of the heritage area is thereby external to the identified sensitive coastal features, including coastal dunes;
- the considerable setback from Nora Creina Road, combined with the small-scale of the building, would result in minimal impact on public views and amenity of the locality;
- vehicular access to the site does not alter; and
- revegetation of the subject land will incorporate indigenous plant species, a majority of which will be propagated from existing species on the site.

PDC 9 Development should:

- (a) **not adversely impact on the ability to maintain the coastal frontage in a stable and natural condition and, in any case, should be setback at least 100 metres from the coastal frontage;**
- (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; and**
- (d) **utilise external low reflective materials and finishes that will minimise glare and blend in with the features of the landscape.**

In addition to the provisions of the Coastal Conservation Zone, there are numerous objectives and principles of development control in the general section of the Development Plan applicable to the development, including those contained under the heading of Coastal Areas and Hazards. A number of the most relevant provisions of the general section of the Development Plan are quoted below. It is considered that the proposed caretaker's dwelling in its amended form continues to satisfactorily address the intent of these provisions in the following manner:

- preserves the high landscape and amenity value area of the subject site which is contained within the designated heritage area;
- does not impact on the coastal environment;
- the proposed building is not within an area to be protected from coastal hazards;
- management of the land and revegetation is a key priority of the proposed new owners;
- the dwelling and associated effluent disposal is more than 100 metres from the coastal boundaries of the property and even further from the high watermark;



- the subject land is located in close proximity to the Nora Creina settlement and does not promote further linear development;
- adequate and appropriately sited dedicated water supply for firefighting purposes can be provided on the site;
- the dwelling can be constructed of materials and finishes to accord with the *Ministers Specification SA 78*;
- an area of vegetation can be cleared around the dwelling without encroaching into the heritage area via the establishment of an asset protection area; and
- access for firefighting vehicles can be provided in accordance with the *Minister's Code: Undertaking Development in Bushfire Protection Areas*, via an existing vehicle track to be widened and incorporating passing bays.

General Section – Coastal Areas

- Objective 1:** The protection and enhancement of the natural coastal environment, including environmentally important features of coastal areas such as mangroves, wetlands, sand dunes, cliff tops, native vegetation, wildlife habitat shore and estuarine areas.
- Objective 3:** Preservation of areas of high landscape and amenity value including stands of vegetation, shores, exposed cliffs, headlands, islands and hill tops, and areas which form an attractive background to urban and tourist areas.
- 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 8:** Management of development in coastal areas to sustain or enhance the remaining natural coastal environment.
- PDC 1** Development should be compatible with the coastal environment in terms of built form, appearance and landscaping including the use of walls and low pitched roofs of non-reflective texture and natural earth colours.
- PDC 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.
- PDC 6** Effluent disposal systems incorporating soakage trenches or similar should prevent effluent migration onto the inter-tidal zone and be sited at least 100 metres from whichever of the following requires the greater distance:
- (a) the mean high-water mark at spring tide, adjusted for any subsidence for the first 50 years of development plus a sea level rise of 1.0 metre
 - (b) the nearest boundary of any erosion buffer determined in accordance with the relevant provisions in this Development Plan.



Hazard Risk Minimisation

PDC 17 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.

Development in Appropriate Locations

PDC 29 Development along the coast should be in the form of infill in existing developed areas or concentrated into appropriately chosen nodes and not be in a scattered or linear form.

General Section – Hazards

Bushfire

PDC 6 The following bushfire protection principles of development control apply to development of land identified as General, Medium and High bushfire risk areas as shown on the Bushfire Protection Area BPA Maps - Bushfire Risk.

PDC 7 Development in a Bushfire Protection Area should be in accordance with those provisions of the Minister's Code: Undertaking development in Bushfire Protection Areas that are designated as mandatory for Development Plan Consent purposes.

PDC 8 Buildings and structures should be located away from areas that pose an unacceptable bushfire risk as a result of one or more of the following:

- (a) vegetation cover comprising trees and/or shrubs;
- (b) poor access;
- (c) rugged terrain;
- (d) inability to provide an adequate building protection zone; and
- (e) inability to provide an adequate supply of water for fire fighting purposes.

PDC 9 Residential, tourist accommodation and other habitable buildings should:

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

6.0 SOCIAL, ECONOMIC AND ENVIRONMENTAL EFFECTS

6.1 Social

The social implications of the proposed development are considered to be neutral. Development of a small scale caretakers dwelling to accommodate the owners of the property whilst they manage and revegetate the site is unlikely to alter the social structure of the locality. The broad locality contains numerous dwellings within and adjacent the settlement of Nora Creina which accommodate permanent and infrequent occupation to enjoy the coastal environment.



6.2 Economic

Economically the development is unlikely to have a significant positive or negative impact on the locality.

6.3 Environmental

Environmentally the proposed development is considered to be an asset to the locality and have a positive effect. The commitment of the proposed developers of the caretakers dwelling to management and revegetate the area within the heritage area and the degraded areas outside of this area is the form of conservation that is widely sought for areas adjacent the coast. Furthermore, Mr Egan and Dr Hemphill have commenced the propagation of plants from local species found on the site, which are being utilised for revegetation of the site and can be made available to others in the wider locality. The environmental benefits of creating conditions suitable for a variety of flora and fauna within the 40 hectare allotment are considered to be significant and positive.

7.0 CONCLUSION

The land use of a caretakers dwelling has previously been found to be appropriate. Amendment of the location of the proposed dwelling is considered to be appropriate in the locality, given the size of the site, the setbacks from boundaries and the density of the vegetation within the undulating site that minimise the visibility of the small dwelling. The dwelling in its amended location is designed and sited so that it does not impact on coastal features; is small in scale and would not be visually dominant in a manner that would be unreasonable adverse to the character, amenity and scenic beauty of the locality.

For all of the above stated reasons, the proposed development is sufficiently in accord with the provisions of the Development Plan to warrant the granting of Development Plan Consent.

Should you require any additional information or clarification at this time, please contact the undersigned by phone on 8221 6000 or 0413 832 616, or by email juliej@masterplan.com.au.

Julie Jansen FPIA
BA, BA(Hons), GDURP

14 February 2018

APPENDIX A



GP 690/1987

PLAN TO SUPERSEDE GP 510/1987

HUNDRED OF LAKE GEORGE
SECTION 82
HUNDRED OF WATERHOUSE
SECTIONS 120 AND 325

Registered Proprietor A.R. & J.M. Cullen

Pl. Certificate of Title Vol.4261 Fol.776

Scale 1:10 000

The delineation of the heritage area shown hereon was determined by the use of Department of Lands aerial photo. Sys. 2816 No. 62

I certify that

1. The area marked A on this plan is contained within section 120
2. The boundary of the area marked A can be redefined by survey

[Signature]
SURVEYOR GENERAL

Area marked A is for Heritage Agreement Purposes

SCHEDULE OF COORDINATES		
Mark No.	AMG coordinates	Nature (Description of mark)
1	397730 E 5868843 N	prick
2	397717 E 5868962 N	prick
3	397586 E 5868948 N	prick
4	397782 E 5868944 N	prick
5	397886 E 5868928 N	prick
6	397879 E 5868951 N	prick
7		pop for line only to East bdy 120
8		pop for line only to S.E. bdy 120

Department of Environment and Planning

Index No. 2077	PLAN FOR HERITAGE AGREEMENT	Chief L. GOULDING
Scale 1:10 000		Checker G. HARRIS
Completed 12/11/87		Manager A. MERCHANT

Insert type of document here.....

BLANK INSTRUMENT FORM
(see footnote)

APPLICATION TO REGISTER HERITAGE AGREEMENT

MINISTER FOR ENVIRONMENT AND PLANNING of 55 Grenfell Street
Adelaide, 5000 in the State of South Australia HEREBY APPLIES
pursuant to Section 26a of the South Australian Heritage Act,
1978-1980 to register the fact that the Heritage Agreement
attached hereto made the *5th day of April* 1988
BETWEEN ALLAN RICHARD CULLEN, Fisherman and Grazier, and JOAN MABEL
CULLEN his wife both care of P.O. Box 124, Robe 5276 in the State of
South Australia, the registered proprietor of an estate in Fee Simple
("the Owner") and the Minister for Environment and Planning ("the
Minister") has come into force in respect of that portion of the land
comprised in Land Grant Register Book Volume 4261, Folio 776, more
particularly defined as Area "A" in G.R.O. Plan G.P. ⁶⁹⁰~~689~~/1987.

DATED *5th* day of *APRIL* 1988

SIGNED and SEALED by the)

MINISTER FOR ENVIRONMENT AND
PLANNING)

in the presence of:

[Signature]

[Signature]



204

MEMORANDUM OF AGREEMENT made the 5th day of April 1988

B E T W E E N : MINISTER FOR ENVIRONMENT AND PLANNING (hereinafter called "the Minister") of the one part and ALLAN RICHARD CULLEN, Fisherman and Grazier, and JOAN MABEL CULLEN his wife, both care of P.O. Box 124, ROBE 5276 in the State of South Australia (hereinafter called "the Owner") of the other part.

P3
COMMISSIONER OF STAMPS
S.A. STAMP DUTY
20/04/88 158203 01:19
\$0.20

RECITALS

- A. The Owner is the Owner of that piece of land containing 408.65 hectares being Section 82 in the Hundred of LAKE GEORGE, County of GREY, and Sections 120 and 325 in the Hundred of WATERHOUSE, County of ROBE, and being the whole of the land comprised in Land Grant Register Book Volume 4261, Folio 776.
- B. The Owner has, pursuant to the Native Vegetation Management Act, 1985, required the Minister to enter into this agreement in respect of that piece of land containing 315 hectares or thereabouts being that portion of land referred to in Recital A as is delineated as "A" in GRO Plan ⁶⁹⁰ 689/1987 a copy whereof is attached to this agreement.

NOW IT IS AGREED as follows:

1. In this agreement, unless the contrary intention appears -

(1) "native fauna" means an animal or animals of a species indigenous to South Australia:

"Owner" means the person who has executed this agreement as owner of the subject land and includes a person to whom ownership of the land and the rights and liabilities under this agreement have passed:

"the subject land" means the land that is subject to this agreement;

(2) terms defined in the Native Vegetation Management Act, 1985, have the meanings defined in that Act.

2. This agreement shall commence on the date hereof.

3. During the term of this agreement the subject land 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.
4. The Owner shall not, without the written consent of the Minister, undertake or permit on the subject land -
 - (1) the clearance of native vegetation;
 - (2) the planting of vegetation, whether native or exotic;
 - (3) the construction of a building or other structure;
 - (4) the grazing of stock;
 - (5) any other activity that, in the opinion of the Minister, is likely to damage, injure or endanger the native vegetation or native fauna on the subject land.
5. The owner shall comply with the National Parks and Wildlife Act, 1972, the Native Vegetation Management Act, 1985, the Pest Plants Act, 1975, the Vertebrate pests Act, 1975, and all other Acts and statutory instruments from time to time in force in relation to the subject land.
6. The Owner shall give written notice to the Minister of -
 - (1) (a) any damage to, or destruction of, native vegetation or native fauna on the subject land or the removal of any native vegetation or native fauna from the subject land;
 - (b) any activity on the subject land that is likely, in the Owner's opinion, to result in damage, destruction or removal referred to in paragraph (a) of this sub-clause;
 - (2) any change in ownership of the subject land,as soon as practicable after first becoming aware of the matter to which the notice relates.

7. (1) Subject to this clause, the Owner is released from the payment of

(a) rates and taxes (including council rates) in respect of the subject land during the term of this agreement;

(b) council rates in respect of the subject land in the second rating year next following the commencement of this Agreement and thereafter until the termination of the Agreement;

(2) The Owner is not released from the payment of rates and taxes in relation to land that, in the opinion of the Minister after receiving advice from the Authority -

(a) is used for primary production or for any other commercial purpose;

(b) comprises a dwelling and curtilage.

8. (1) The Minister may, at any time and at the Minister's expense

(a) construct or replace fences on the boundaries, or through any part of, the subject land,

or

(b) perform on those fences all major repair work required as the result of damage by fire;

(2) The Owner shall, at the Owner's expense and to the satisfaction of the Minister, perform all other necessary maintenance and repair work on all fences (whether constructed by the Minister or not) on the boundaries or on any other part of the subject land.

9. The Minister and any employee or agent of the Minister authorized by the Minister may, at any reasonable time -

(1) enter the subject land for the purpose of -

- (a) constructing any fence on the land;
 - (b) inspecting the land or any fence on the land;
 - (c) exercising any other powers of the Minister under this agreement;
- (2) obtain access to the subject land across land of the Owner for the purposes referred to in sub-clause (1) hereof.

10. If the Owner is in breach of this agreement the Minister may, by notice in writing served on the Owner, require the Owner to remedy the breach and if the Owner fails to do so, the aggregate value of the rates and taxes from the payment of which the Owner (and every predecessor in title of the Owner) has been relieved by virtue of this agreement must be paid by the Owner to the appropriate rating or taxing authority.
11. The Minister may delegate any of the Minister's powers under this agreement to any person.
12. This agreement may not be varied except in writing signed by the parties.
13. An act or omission based on a genuine mistake as to the boundaries of the subject land shall not constitute a breach of this agreement.
14. This agreement remains in force until terminated by the parties.
15. Notice shall, for the purpose of this agreement, be properly served on the Owner if it is -
- (1) posted to the Owner at the Owner's last address known to the Minister;
 - or
 - (2) fixed in a prominent position on the subject land.

SIGNED and SEALED by the)
MINISTER FOR ENVIRONMENT)
AND PLANNING)

[Handwritten signature: D. Hopgood]

in the presence of:)

[Handwritten signature: Witness]

(Witness)

SIGNED by the Owners)
ALLAN RICHARD CULLEN)
and)
JOAN MABEL CULLEN)

[Handwritten signature: A.R. Cullen]
[Handwritten signature: J.M. Cullen]

in the presence of:)

[Handwritten signature: Witness]

(Witness)

I, DONALD JACK HOPGOOD, the Minister for Environment and Planning
CERTIFY pursuant to Section 16d of the South Australian Heritage Act,
1978-1980, that this agreement conforms with that Act.

DATED this 5th day of APRIL 1988.

[Handwritten signature: D. Hopgood]

VEGETATION MANAGEMENT PLAN

AT: Cape Rabelais - 2082 Nora Creina Road, Nora Creina

FOR: Mr Thomas Egan and Dr Linda Hemphill

1.0 BACKGROUND

On behalf of Mr Thomas Egan and Dr Linda Hemphill (proposed developers) and Mr Allan Cullen (owner), MasterPlan SA Pty Ltd has lodged a development application to develop a caretakers' dwelling on the property at Cape Rabelais, 2082 Nora Creina Road, Nora Creina.

A vegetation assessment report was prepared and submitted with the Statement of Effect. However, as part of the planning assessment, the District Council of Robe have requested a more specific or targeted vegetation management plan be prepared, outlining areas affected by and management of environmental weeds, areas for revegetation and a schedule of works for the revegetation.

Currently 315 hectares of the 408 hectare site is included in a Heritage Agreement as defined in GRO Plan 690/1987 (copy submitted with the development application). The land subject to the Heritage Agreement (6519022) is dedicated to the conservation of native vegetation and native fauna and shall not be used in a manner inconsistent with that dedication.

This vegetation management plan provides further details in relation to the vegetation communities on the subject land and methodology for its management and revegetation.

2.0 OBJECTIVES

The objectives of the vegetation management plan are:

- Conserve native vegetation and native fauna within the area dedicated to the Heritage Agreement (6519022);
- Provide an environmental benefit to the subject land via revegetation and management;
- Management of existing pest plant populations on the subject land; and
- Prevention of new invasions of pest plants into remnant native vegetation.



3.0 LEGISLATIVE FRAMEWORK

3.1 Native Vegetation Act 1991

Under the *Native Vegetation Regulations 2003*, this development is covered by exemption 5(1)(a). This exemption applies where a proposed development is a dwelling and the vegetation is not substantially intact. The vegetation on the subject land, outside of the Heritage Agreement area is not considered to be intact stratum, as it has been grazed within the past 20 years. Clearance of vegetation to provide for bushfire requirements is also exempt under exemption 5(1)(k) the *Native Vegetation Regulations 2003*.

3.2 Natural Resources Management Act 2004

There are significant populations of two proclaimed pest plants within on the subject land. Table 3.2.1 details the occurrence of these species on the land.

Table 3.2.1 Proclaimed plants within the Subject Property	
False Caper <i>Euphorbia terracina</i>	In areas of open scrub adjacent to the heritage area; and along vehicle tracks through closed and open heath.
Horehound <i>Marrubium vulgare</i>	Throughout the former horse training area and previously cleared/grazed/cultivated areas.

There are a number of other weeds on the subject land, which will also be the subject of eradication and management, the more widespread examples and their proposed management as detailed in Table 3.2.2.



Table 3.2.2 Weed Management on Subject Land

Name	Problem	Management Techniques
<p>African Boxthorn <i>Lycium ferocissimum</i></p>	<p>Mostly along roadside of property, forming dense, impenetrable thickets that exclude indigenous plants, and provides shelter for feral animals and introduced birds.</p>	<p>This weed infestation is the furthest from the coast and heritage area, and is the major non-herbaceous weed on the property. It is one weed where grubbing with Spring cutting/ chemical swab control is considered necessary. New seedlings to be hand cleared. Opportunities for reintroduction/ further invasion to be blocked, and detrimental environmental impact to be limited by revegetation with <i>Bursaria spinosa</i>, a colonising, relatively long-lived, hardy native. It will replace some functions of Boxthorn while providing both a haven for small birds and nectar for insects, especially beetles and butterflies.</p>
<p>Common Sow-thistle <i>Sonchus oleraceus</i></p>	<p>Fairly widespread in former grazing areas.</p>	<p>Slash before flowering. Hand-pulled clearance is not difficult.</p>
<p>(Common) Heliotrope <i>Heliotropium europeum</i></p>	<p>Widespread in over-grazed areas on east of property, rising to elevated grassland.</p>	<p>Slash. Steam weed employing <i>Weedtechnics</i>. Latter employed by Leichhardt, Fremantle and Waverley councils. Over a long period will overcome deep-rooted survival.</p>
<p>False Caper <i>Euphorbia terracina</i></p>	<p>In sandy areas of open scrub adjacent to heritage area; and along vehicle tracks through closed and open heath.</p>	<p>Minimise further spread with initial concentration on areas surrounding those free of False Caper. Slash before seeding. Careful manual removal (sap) complete with entire root system. Steam attack. Mulch with thick <i>Jutemaster</i> mat to suppress seed germination.</p>
<p>Great Brome <i>Bromus diandrus</i></p>	<p>Around old machinery sheds.</p>	<p>Slash. Follow with solarisation in Spring/Summer with clear plastic (nematode survival).</p>
<p>Hemlock <i>Conium maculatum</i></p>	<p>Largely on low-lying site of future wetland.</p>	<p>Manage as part of creation of a wetland.</p>
<p>Horehound <i>Marrubium vulgare</i></p>	<p>Wide distribution throughout former horse training and previously cleared/ grazed/ cultivated areas, inhibiting coastal rehabilitation strategies.</p>	<p>Winter slash. Introduce native (Horehound) Plume Moth, <i>Wheeleria spilodactylus</i>; release in Spring. Plant perennial native species in areas Horehound occupies to prevent its persistence, unlikely with such competition.</p>



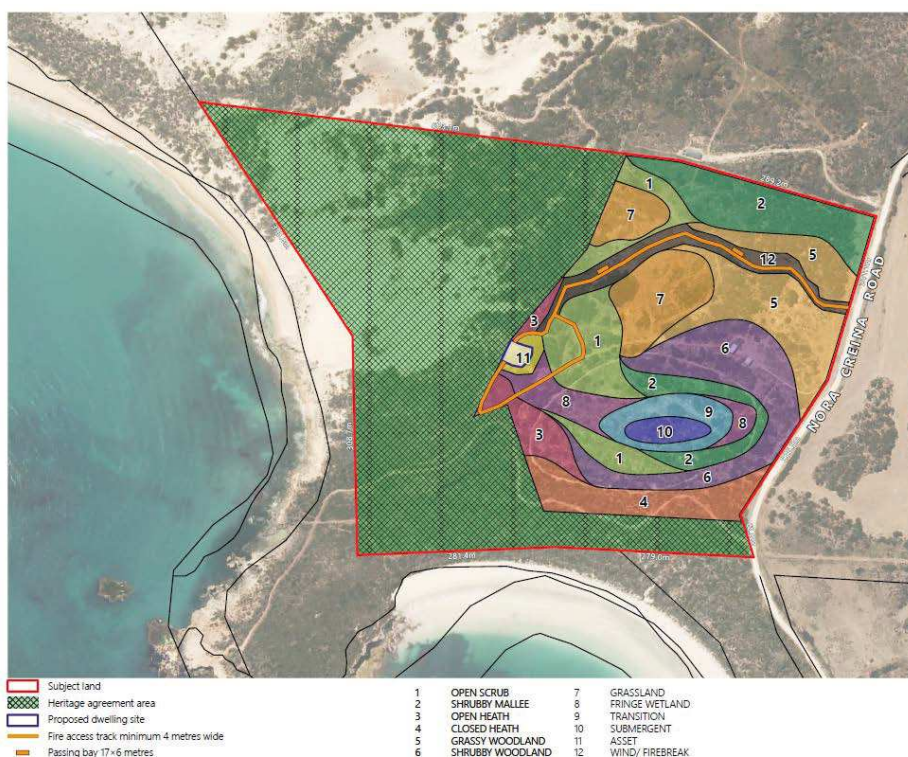
Table 3.2.2 Weed Management on Subject Land

Name	Problem	Management Techniques
	Not invasive in adjacent areas of dense native vegetation, but encroachment on grassy woodland, open scrub and grassland to be controlled.	Monitor previous Plume Moth release sites early-mid Spring.
Narrow-leaf Cotton-bush <i>Gomphocarpus fruticosus</i>	Occurs in currently cleared, weedy area that is to be planted as shrubby woodland.	Slashing to be followed by dense planting of low local trees and shrubs to overcome domination of weed seedbank soil.
Petty Spurge <i>Euphorbia peplus</i>	Scattered throughout property.	Solarisation in Spring/ Summer.
Spear/Scotch-thistle <i>Cirsium vulgare</i>	Fairly widespread in former grazing areas.	Hand-pulled clearance is not difficult.



4.0 PLANT ASSOCIATIONS

An assessment of the vegetation on the site has been undertaken and the plant communities, existing and potential, identified as shown on the plan below and attached.



Species identified for revegetation of each of the plant communities are detailed in **Appendix A**. The following table, Table 4.0 provides an overall management plan for each of the plant communities.

TABLE 4.0 – VEGETATION MANAGEMENT

Plant Community	Issue	Action/Management Timeframe
Open Scrub	<p>Barbed wire and low wire on heritage area fence restricts movement of native animals.</p> <p>Currently no action to stall invasion of weeds from former animal training track.</p>	<p>Year 1:</p> <ul style="list-style-type: none"> - remove barbed wire. <p>Year 2:</p> <ul style="list-style-type: none"> - remove weeds from 5m outside heritage area fence to allow seeding/ revegetation by heritage area Mallee species. <p><i>Ongoing: monitor weeds.</i></p>
Shrubby Mallee	<p>Ensure Sydney Golden Wattle doesn't become the dominant species, restricting diversity.</p>	<p>Year 1:</p> <ul style="list-style-type: none"> - employ an organisation experienced in feral animal control. <p>Year 1-2:</p> <ul style="list-style-type: none"> - remove weeds; increase competing vegetation coverage by planting tube stock of a variety of species outlined in appendix A.
Open Heath	<p>Vehicle access to the coast via heritage agreement area leads to weed dispersal by vehicles.</p>	<p>Year 1:</p> <ul style="list-style-type: none"> - close vehicular road on property leading to seaside over open heath.



Plant Community	Issue	Action/Management Timeframe
		Year 2: <ul style="list-style-type: none"> - remove weeds from 5m outside heritage area fence to allow revegetation by heritage heath species.
Closed Heath	Low wire on fences restricts movement of native animals.	Year 1: <ul style="list-style-type: none"> - remove lower wire from fences. Year 2: <ul style="list-style-type: none"> - remove weeds from 5m outside heritage area fence to allow revegetation by heritage heath species.
Grassy Woodland	Herbaceous and woody weeds predominate, especially to the east.	Years 1-2: <ul style="list-style-type: none"> - tackle African Boxthorn. Year 3: <ul style="list-style-type: none"> - densely plant currently unwooded areas as a reconstructed woodland, in the process of clearance of colonising herbaceous weeds. Conserve all dead trees. - Employ native tube stock, Potti-putti planters and Greening Australia or similar.
Shrubby Woodland	Large rubble/rubbish pile. Herbaceous and woody weeds predominate, especially to the east.	Year 1: <ul style="list-style-type: none"> - remove rubbish heap; a useful site to burn off African Boxthorn, removed from adjacent areas and carried on tarps from clearance sites.



Plant Community	Issue	Action/Management Timeframe
		Years 1-3: <ul style="list-style-type: none"> - weed and vegetate as grassy woodland above, both woodland areas, with wetland, creating greater connectivity on the property between the various plant communities and coast.
Grassland	Currently no control of spread of pasture weeds, especially from south and east.	Year 1: <ul style="list-style-type: none"> - remove outlier weeds from interior of native animal grazing areas. Year 2: <ul style="list-style-type: none"> - remove weeds from rest of established grasslands. Year 3: <ul style="list-style-type: none"> - remove weeds to 1m from edges of grasslands. <i>Ongoing: extend as above.</i>
Fringe Wetland	Possible run off from construction of caretaker's dwelling.	Year 1: <ul style="list-style-type: none"> - contain/eradicate Brome from areas around proposed wetland. - employ Biocycle to create biodiverse wetland comprised of 3 offset zones in order to accommodate any construction run off.
Transition	Increased water may encourage germination of weeds.	Because of ground incline, removal of weeds requires immediate erosion control by vegetation with plants outlined in Appendix A.
Submergent	Former horse training track	Simultaneous plant out of transition and submergent wetland.



Plant Community	Issue	Action/Management Timeframe
		<p><i>Ongoing: follow up control of weeds as establishment of wetland/ bird and animal haven consolidated.</i></p>
Asset	<p>Fire protection of caretakers dwelling.</p> <p>Soil erosion.</p> <p>Weed introduction.</p>	<p>Year 1:</p> <ul style="list-style-type: none"> - plant tube stock of fire retardant species detailed in Appendix A. - relocate disturbed topsoil to within asset site. - retain/ relocate any hollow logs. - relocate existing natives. - wash machinery at gate/roadside cleaning facility. - limit equipment and vehicular movement during asset, road construction <p>Ongoing:</p> <ul style="list-style-type: none"> - control of potential weed seed in waste management, e.g. tomato. - prohibit entry of domestic animals to limit weed dispersal/ native animal disturbance.
Wind/firebreak	<p>Machinery introduction of and spread of weeds.</p>	<p>Year 1:</p> <ul style="list-style-type: none"> - wash-down area set aside near gate/disturbed area for vehicle hygiene. <p>Year 2:</p> <ul style="list-style-type: none"> - plant with species outlined in Appendix A. <p><i>Ongoing: maintain access.</i></p>

5.0 SUMMARY

This vegetation management plan has been prepared in conjunction with Dr Linda Hemphill, BA(hons), DipEd, MA, DipHum, PhD one of the proposed owners of the subject land. Dr Hemphill will be responsible for the management of the vegetation on the site.



Julie Jansen MPlA
B/A in Planning

22 May 2015



Attachment A



Appendix A: Plant Communities

Open scrub		Shrubby mallee	
<i>Acrotiche affinis</i>	P i l H e P t	<i>Acacia leiophylla</i>	Lime t e Wattle
<i>Acrotiche cordata</i>	C a t G - e	<i>Acaena novae-zelandiae</i>	Bi ee Wi ee
<i>Alyxia buxifolia</i>	Sea B	<i>Apium annuum</i>	A al Cele
<i>Amyema melaleucaea</i>	Mi tlet e	<i>Apium prostratum . pro...</i>	Sea Cele
<i>Aphanes australiana</i>	A t alia Piet	<i>Apodasmia brownii</i>	C a e T i e-
<i>Apium annuum</i>	A al Cele	<i>Austrostipa exilis</i>	Heat S ea - a
<i>Apium prostratum . pro...</i>	Sea Cele	<i>Banksia marginata</i>	Sil e Ba ia
<i>Apodasmia brownii</i>	C a e T i e-	<i>Baumea juncea</i>	Ba e T i -
<i>Banksia marginata</i>	Sil e Ba ia	<i>Billardiera cymosa</i>	S eet A le- e
<i>Baumea juncea</i>	Ba e T i -	<i>Caladenia latifolia</i>	Pi Fai ie
<i>Caladenia latifolia</i>	Pi Fai ie	<i>Caladenia richardsiorum</i>	Little Di S i e - i
<i>Carpobrotus rossii</i>	R N -l e	<i>Carpobrotus rossii</i>	R N -l e
<i>Cassyltha pubescens</i>	D D e La el	<i>Cassyltha melantha</i>	Ta le D e-la el
<i>Clematis microphylla</i>	Na -lea i e	<i>Clematis microphylla</i>	Na -lea i e
<i>Comesperma volubile</i>	Bl e L e- ee e	<i>Comesperma volubile</i>	Bl e L e- ee e
<i>Convolvulus erubescens</i>	Pi Bi ee	<i>Convolvulus erubescens</i>	Pi Bi ee
<i>Cyrtostylis robusta</i>	La e G at- i	<i>Daucus glochidiatus</i>	A t alia Ca t
<i>Dianella revoluta . rev...</i>	Bla -a t e Fla -lil	<i>Dianella revoluta . rev...</i>	Bla -a t e Fla -lil
<i>Dichelachne crinita</i>	L - ai Pl me- a	<i>Dichelachne crinita</i>	L - ai Pl me- a
<i>Dichondra repens</i>	Ki e - ee	<i>Dichondra repens</i>	Ki e - ee
<i>Epilobium billardiereanum bil</i>	Sm t Will - e	<i>Epilobium billardiereanum bil</i>	Sm t Will - e
<i>Eucalyptus diversifolia . div.</i>	S a Mallee	<i>Gahnia trifida</i>	C a t Sa - e e
<i>Eucalyptus leucoxylon</i>	S.A. Bl e G m	<i>Hakea vittata</i>	H e Nee le
<i>Eucalyptus leuc. . megalocarpa</i>	S.A. Yell G m	<i>Helichrysum leucopsidium</i>	Sati /C a t E e la ti
<i>Gahnia filum</i>	C a Sa - e e	<i>Hibbertia riparia</i>	E e t G i ea- l e
<i>Galium migrans</i>	L e Be t a	<i>Hibbertia sericea . ser...</i>	Sil G i ea- l e
<i>Geranium potentilloides . pot.</i>	(S t) C a e - ill	<i>Hypoxis glabella . gla...</i>	Sta - a
<i>Geranium solanderi . sol...</i>	A t al C a e - ill	<i>Ipomoea polpha . latzii</i>	Gia t S eet P tat
<i>Helichrysum leucopsidium</i>	Sati E e la ti	<i>Isolepis marginata</i>	C a e /Ti Cl -
<i>Hibbertia riparia</i>	E e t G i ea- l e	<i>Isolepis nodosa</i>	K Cl -
<i>Hydrocotyle laxiflora</i>	Sti i Pe t	<i>Kennedia prostrata</i>	R i P tma
<i>Hypoxis glabella . gla...</i>	Sta - a	<i>Lepidosperma congestum</i>	Cl te e S - e e
<i>Ipomoea polpha . latzii</i>	Gia t S eet P tat	<i>Leptocarpus tenax</i>	Sle e T i e-
<i>Isolepis cernua</i>	N i Cl -	<i>Leptospermum lanigerum</i>	W ll /Sil Tea- t ee
<i>Isolepis nodosa</i>	K Cl -	<i>Leucopogon parviflorus</i>	C a t Bea Heat
<i>Isolepis platycarpa</i>	Flat- it Cl -	<i>Microtis unifolia</i>	O i - i
<i>Juncus kraussii</i>	Sea-	<i>Pterostylis alata</i>	St i e G ee
<i>Kennedia prostrata</i>	R i P tma	<i>Ptilotus microcephalus</i>	P -tail
<i>Kunzea pomifera</i>	M tie	<i>Scaevola albida</i>	Small- it Fa - l e
<i>Lepidium foliosum</i>	Lea Pe e e	<i>Scaevola angustata</i>	Fa - l e
<i>Leptospermum lanigerum</i>	Sil Tea- t ee	<i>Scaevola calendulacea</i>	D e Fa - l e
<i>Leucopogon parviflorus</i>	C a t Bea Heat	<i>Scaevola crassifolia</i>	T i -lea e Fa - l e
<i>Melaleuca brevifolia</i>	Mallee H e -m tle	<i>Schoenoplectus pungens</i>	S a -lea Cl -
<i>Melaleuca halmaturorum</i>	Bli te e Pa e - a	<i>Senecio glomeratus</i>	Cl te - ea e Fi ee
<i>Melaleuca lanceolata</i>	B St i a	<i>Triglochin striata</i>	St ea e A - a
<i>Microtis unifolia</i>	O i - i		
<i>Muehlenbeckia adpressa</i>	Clim i Li m		
<i>Myosotis australis</i>	A t al F et-me- t		
<i>Olearia axillaris</i>	C a t Dai -		
<i>Parietaria debilis</i>	F e t Pellit		
<i>Pimelea serpyllifolia . ser...</i>	T me Ri e- l e		
<i>Poa halmaturina</i>	D e T - a		
<i>Poa poiformis . poi...</i>	Bl e T - a		
<i>Pterostylis alata</i>	St i e G ee		
<i>Ptilotus microcephalus</i>	P -tail		



<i>Pultenaea tenuifolia</i>	Na -lea B - ea		
<i>Ranunculus sessiliflorus</i> . ses..	A alA t.B tte		
<i>Schoenoplectus pungens</i>	S a -lea Cl -		
<i>Selliera radicans</i>	S i S am -mat		
<i>Senecio biserratus</i>	G el		
<i>Senecio glomeratus</i>	Cl te - ea e Fi e ee		
<i>Stackhousia monogyna</i>	C eam Ca le		
<i>Triglochin striata</i>	St ea e A - a		
<i>Zygophyllum billardierei</i>	C a tT i -lea		



Open heath		Closed heath	
<i>Acacia cupularis</i>	C a tal Um ella-	<i>Acacia cupularis</i>	C a tal Um ella-
<i>Acacia leiophylla</i>	Lime t e Wattle	<i>Acacia leiophylla</i>	Lime t e Wattle
<i>Acaena novae-zelandiae</i>	Bi ee Wi ee	<i>Acaena novae-zelandiae</i>	Bi ee Wi ee
<i>Apium annuum</i>	A al Cele	<i>Acrotiche affinis</i>	P i l H e P t
<i>Apium prostratum . pro...</i>	Sea Cele	<i>Apodasmia brownii</i>	C a e T i e-
<i>Apodasmia brownii</i>	C a e T i e-	<i>Baumea juncea</i>	Ba e T i -
<i>Austrostipa exilis</i>	Heat S ea - a	<i>Billardiera cymosa</i>	S eet A le- e
<i>Banksia marginata</i>	Sil e Ba ia	<i>Caladenia latifolia</i>	Pi Fai ie
<i>Baumea juncea</i>	Ba e T i -	<i>Caladenia richardsiorum</i>	Little Di S i e - i
<i>Billardiera cymosa</i>	S eet A le- e	<i>Clematis microphylla</i>	Na -lea - i e
<i>Caladenia latifolia</i>	Pi Fai ie	<i>Dianella revoluta v. rev...</i>	Bla -a t e -lil
<i>Caladenia richardsiorum</i>	Little Di S i e - i	<i>Epilobium billardiereanum s bil</i>	Sm t Will - e
<i>Carpobrotus rossii</i>	R N -l e	<i>Gahnia filum</i>	C a Sa - e e
<i>Cassutha melanantha</i>	Ta le D e -la el	<i>Gahnia trifida</i>	C a t Sa - e e
<i>Clematis microphylla</i>	Na -lea i e	<i>Geranium potentilloides v. pot.</i>	(S t) C a e - ill
<i>Comesperma volubile</i>	Bl e L e- ee e	<i>Hakea vittata</i>	H e Nee le
<i>Convolvulus erubescens</i>	Pi Bi ee	<i>Hibbertia sericea v. ser...</i>	Sil G i ea- l e
<i>Daucus glochidiatus</i>	A talia Ca t	<i>Ipomoea polpha s. latzii</i>	Gia t S eet- tat
<i>Dianella revoluta . rev...</i>	Bla -a t e	<i>Leptocarpus tenax</i>	Sle e T i e-
<i>Dichelachne crinita</i>	L - ai Pl me- a	<i>Leptospermum lanigerum</i>	W ll Tea- t ee
<i>Dichondra repens</i>	Ki e - ee	<i>Leucopogon parviflorus</i>	C a t Bea Heat
<i>Epilobium billardiereanum bil</i>	Sm t Will - e	<i>Melaleuca brevifolia</i>	Mallee H e -m tle
<i>Gahnia trifida</i>	C a t Sa - e e	<i>Olearia axillaris</i>	C a t Dai -
<i>Hakea vittata</i>	H e Nee le	<i>Scaevola albida</i>	Small- it Fa - l e
<i>Helichrysum leucopsideum</i>	Sati /C a t E e la ti	<i>Scaevola angustata</i>	Fa - l e
<i>Hibbertia riparia</i>	E e t G i ea- l e	<i>Scaevola calendulacea</i>	D e Fa - l e
<i>Hibbertia sericea . ser...</i>	Sil G i ea- l e	<i>Scaevola crassifolia</i>	T i -lea e Fa - l e
<i>Hypoxis glabella . gla...</i>	Sta /Yell - a		
<i>Ipomoea polpha . latzii</i>	Gia t S eet- tat		
<i>Isolepis marginata</i>	C a e T i Cl -		
<i>Isolepis nodosa</i>	K Cl -		
<i>Kennedia prostrata</i>	R i P tma		
<i>Lepidosperma congestum</i>	Cl tee S - e e		
<i>Leptocarpus tenax</i>	Sle e T i e-		
<i>Leptospermum lanigerum</i>	W ll Tea- t ee		
<i>Leucopogon parviflorus</i>	C a t Bea Heat		
<i>Microtis unifolia</i>	O i - i		
<i>Pterostylis alata</i>	St i e G ee		
<i>Ptilotus microcephalus</i>	P -tail		
<i>Scaevola albida</i>	Small- it Fa - l e		
<i>Scaevola angustata</i>	Fa - l e		
<i>Scaevola calendulacea</i>	D e Fa - l e		
<i>Scaevola crassifolia</i>	T i -lea e Fa - l e		
<i>Schoenoplectus pungens</i>	S a -lea Cl -		
<i>Senecio glomeratus</i>	Cl te - ea e Fi e ee		
<i>Triglochin striata</i>	St ea e A - a		



Grassy woodland		Shrubby woodland	
<i>Acacia cupularis</i>	C Wattle	<i>Acacia cupularis</i>	C Wattle
<i>Acacia leiophylla</i>	Lime t e Wattle	<i>Allocasuarina verticillata</i>	D i S e- a
<i>Allocasuarina verticillata</i>	D i S e- a	<i>Amyema melaleucae</i>	Mi tlet e
<i>Alyxia buxifolia</i>	Sea B	<i>Banksia marginata</i>	Sil e Ba ia
<i>Amyema melaleucae</i>	Mi tlet e	<i>Baumea juncea</i>	Ba e T i -
<i>Aphanes australiana</i>	A talia Piet	<i>Carpobrotus rossii</i>	R N -l e
<i>Apium annuum</i>	A al Cele	<i>Clematis microphylla</i>	Na -lea - i e
<i>Apium prostratum . pro...</i>	Sea Cele	<i>Cyrtostylis robusta</i>	La e G at- i
<i>Banksia marginata</i>	Sil e Ba ia	<i>Epilobium billardiereanum bil</i>	Sm t Will - e e
<i>Baumea juncea</i>	Ba e T i -	<i>Eucalyptus diversifolia . div..</i>	S a Mallee
<i>Caladenia latifolia</i>	Pi Fai ie	<i>Eucalyptus leucoxyton</i>	S.A. Bl e G m
<i>Carpobrotus rossii</i>	R N -l e	<i>Eucalyptus leucoxyton . megal.</i>	S.A. Yell G m
<i>Cassynia melantha</i>	Ta le D e -la el	<i>Gahnia filum</i>	C a Sa - e e
<i>Clematis microphylla</i>	Na -lea i e	<i>Geranium potentilloides . pot.</i>	(S t) C a e - ill
<i>Comesperma volubile</i>	Bl e L e- ee e	<i>Hibbertia riparia</i>	E e t G i ea- l e
<i>Convolvulus erubescens</i>	Pi Bi ee	<i>Hibbertia sericea . ser...</i>	Sil G i ea- l e
<i>Crassula colligata . lamprosperma</i>	P m - ee	<i>Hydrocotyle laxiflora</i>	Sti i Pe t
<i>Cyrtostylis robusta</i>	La e G at- i	<i>Ipomoea polpha . latzii</i>	Gia t S eet P tat
<i>Daucus glochidiatus</i>	A talia Ca t	<i>Isolepis platycarpa</i>	Flat- it Cl -
<i>Dianella revoluta . rev...</i>	Bla -a t e Fla -lil	<i>Lasiopetalum discolour</i>	C a t Vel et-
<i>Dichelachne crinita</i>	L - ai Pl me- a	<i>Lasiopetalum schulzenii</i>	D i Vel et-
<i>Dichondra repens</i>	Ki e - ee	<i>Lepidosperma gladiatum</i>	C a t S - e e
<i>Epilobium billardiereanum bil</i>	Sm t Will - e	<i>Leptinella reptans</i>	C ee i C t la
<i>Eucalyptus leucoxyton</i>	S.A. Bl e G m	<i>Leucopogon parviflorus</i>	C a t Bea Heat
<i>Eucalyptus leuco. . megalocarpa</i>	S.A. Yell G m	<i>Melaleuca brevifolia</i>	Mallee H e -m tle
<i>Eutaxia microphylla</i>	Small-lea e E ta ia	<i>Melaleuca halmaturorum</i>	Salt Pa e - a
<i>Gahnia filum</i>	C a Sa - e e	<i>Melaleuca lanceolata</i>	B St i a
<i>Galium migrans</i>	L e Be ta	<i>Olearia axillaris</i>	C a t Dai -
<i>Geranium solanderi . sol...</i>	A tal C a e - ill	<i>Picris angustifolia . ang...</i>	Nati e Pi i
<i>Helichrysum leucopsideum</i>	C a t E e la ti	<i>Pimelea serpyllifolia . ser...</i>	T me Ri e- l e
<i>Hibbertia riparia</i>	E e t G i ea- l e	<i>Pomaderris paniculosa . paralia</i>	S i i D
<i>Hibbertia sericea . ser...</i>	Sil G i ea- l e	<i>Pterostylis littoralis</i>	G ee
<i>Hydrocotyle laxiflora</i>	Sti i Pe t	<i>Sambucus gaudichaudiana</i>	Nati e El e
<i>Hypoxis glabella . gla...</i>	Sta - a	<i>Solanum laciniatum</i>	La e Ka a A le
<i>Ipomoea polpha . latzii</i>	Gia t S eet P tat	<i>Solanum simile</i>	O
<i>Isolepis cernua</i>	N i Cl -		
<i>Isolepis nodosa</i>	K Cl -		
<i>Isolepis platycarpa</i>	Flat- it Cl -		
<i>Juncus kraussii</i>	Sea-		
<i>Kennedia prostrata</i>	R i P tma		
<i>Kunzea pomifera</i>	M tie		
<i>Leucopogon parviflorus</i>	C a t Bea Heat		
<i>Melaleuca brevifolia</i>	Mallee H e -m tle		
<i>Melaleuca lanceolata</i>	B St i a		
<i>Microtis unifolia</i>	O i - i		
<i>Muehlenbeckia adpressa</i>	Clim i Li m		
<i>Myosotis australis</i>	A tal F et-me- t		
<i>Olearia axillaris</i>	C a t Dai -		
<i>Parietaria debilis</i>	F e t Pellit		
<i>Pelargonium australe</i>	A tal St - ill		
<i>Picris angustifolia . ang...</i>	Nati e Pi i		
<i>Poa poiformis . poi...</i>	Bl e T - a		
<i>Pterostylis alata</i>	Sti e G ee		
<i>Pterostylis littoralis</i>	G ee		
<i>Ptilotus microcephalus</i>	P -tail		
<i>Pultenaea acerosa</i>	B i t l B - ea		
<i>Pultenaea tenuifolia</i>	Na -lea B - ea		
<i>Rhagodia candolleana . can.</i>	Sea- e Salt		



<i>Schoenoplectus pungens</i>	A t aia Cl -		
<i>Selliera radicans</i>	S i S am -mat		
<i>Senecio biserratus</i>	G el		
<i>Senecio glomeratus</i>	Cl te - ea e Fie ee		
<i>Stackhousia monogyna</i>	C eam Ca le		
<i>Triglochin striata</i>	St ea e A - a		

Grassland		Wetland		Wetla e
<i>Acaena novae-zelandiae</i>	Bi ee Wi ee	l a e i 6.1		
<i>Clematis microphylla</i>	Na -lea i e	<i>Comesperma volubile</i>	Bl eL e- ee e	i e
<i>Convolvulus erubescens</i>	Bl i Bi ee	<i>Gahnia filum</i>	C a Sa - e e	ta iti
<i>Cynoglossum austral</i>	A t.H -t e	<i>Gahnia trifida</i>	C a tSa - e e	ta iti
<i>Dianella revoluta . rev...</i>	Bla -a t e Fla -lil	<i>Juncus kraussii</i>	Sea-	ta iti
<i>Dichelachne crinita</i>	L - ai Pl me- a	<i>Melaleuca brevifolia</i>	Mallee H e -m tle	i e
<i>Dichondra repens</i>	Ki e - ee	<i>Melaleuca halmaturorum</i>	Salt Pa e- a	i e
<i>Eutaxia microphylla</i>	Small-lea e E ta ia			
<i>Hypoxis glabella . gla...</i>	Sta - a	A iti al		
<i>Kennedia prostrata</i>	R i P tma	<i>Bacapa monnieri</i>		me e t
<i>Kunzea pomifera</i>	M tie	<i>Egeria densa</i>	A a ai	me e t
<i>Lotus australis</i>	A tall i	<i>Gahnia clarkei</i>	Bi m e Se e	ta iti
<i>Pimelea glauca</i>	Sm t Ri e-l e	<i>Gahnia sieberiana</i>	Re - ite Sa - e e	ta iti
<i>Ptilotus microcephalus</i>	P -tail	<i>Imperata cylindrica</i>	Bla - a	i e
<i>Senecio cunninghamii . c.</i>	B G el	<i>Lepidosperma concavem</i>	Sa Hill S - e e	i e
<i>Stackhousia monogyna</i>	C eam Ca le	<i>Lepilaena cylindrocarpa</i>	L - it Wate -mat	i e
		<i>Lomandra longifolia</i>	S i - ea e Mat-	i e
		<i>Lomandra micrantha</i>	Small-l ee mat-	i e
		<i>Microlaena stipoides</i>	Wee i - a	i e
		<i>Myriophyllum varifolium</i>		me e t
		<i>Poa clelandi</i>	T - a	i e
		<i>Poa labillardieri</i>	C mm T - a	i e
		<i>Poa morrissii</i>	Vel et T - a	i e
		<i>Poa poiformis</i>	Bl eT - a	i e
		<i>Poa tenera</i>	Sle e T - a	i e

Additional wetland species are included because of the lack of variety in remaining wetland plants on the block and because they all are native to the South-East. All but *Gahnia clarkei*, *Gahnia sieberiana*, *Imperata cylindrical*, *Microlaena stipoides* and the oxygenating *Bacapa monnieri*, *Egeria densa* and *Myriophyllum varifolium* are bird attractants. The fruit and leaves of *Lepilaena cylindrocarpa* are especially attractive as food to sea birds. The *Gahnias*, *Imperata*, *Lepidosperma*, *Lomandras*, *Microlaena* and *Poas*, besides attracting a number of the butterflies in appendix 6.3, also variously attract the Darters *Ocybadistes walkerii* and *Taractocera papyria payria*, the Nymph *Geitoneura acanthi*, and the Skippers *Motasingha trimaculata* and *Signeta flammeata*.



Asset fire-retardants		Drive wind/firebreak	
<i>Carpobrotus rossii</i>	Pig-face	<i>Acacia cupularis</i>	Coastal Umbrella-bush
<i>Dianella brevicaulis</i>	Blueberry Lily	<i>Acacia leiophylla</i>	Limestone Wattle
<i>Dianella revoluta v. rev</i>	Black-anther Lily	<i>Allocasuarina verticillata</i>	Drooping She-oak
<i>Dichondra repens</i>	Kidney-weed	<i>Banksia marginate</i>	Silver Banksia
<i>Kennedia prostrata</i>	Running Postman	<i>Eucalyptus diversifolia</i>	S.A. Stony Wattle
<i>Lasiopetalum discolor</i>	Coast Velvet-bush	<i>Eucalyptus leucoxyton meaalocara</i>	Large-fruited Blue-gum
<i>Mvooorum insulare</i>	Native Juniper	<i>Leptospermum lanigerum</i>	Silky/ Woolly Tea-tree
<i>Pelaraonium australe</i>	Atal St -bill	<i>Leucophyta brownie</i>	Cushion-bush
<i>Rhaaodia candolleana s. can</i>	Sea-berry Salt-bush	<i>Leucocooqon oarviflorus</i>	Coast Beard-heath
<i>Scaevola albida</i>	Small-fruit Fan-flower	<i>Melaleuca brevifolia</i>	Mallee Short-leaf Honey-myrtle
		<i>Melaleuca halmatorium</i>	Salt Paperbark
		<i>Melaleuca lanceolata</i>	Dryland Tea-tree
		Additional	
		<i>Bursaria spinosa</i>	Sweet Bursaria
		<i>Hakea rostrate</i>	Cushion-bush)
		<i>Xanthorrhoea caesoitosa</i>	Sand-heath Yacca

These divisions of plant communities are envisaged to merge with one another. Once weeds are cleared from some areas, different plantings may appear more suitable, for example to the north of the block an extension of the elevated grassland.



Proposed revegetation and conservation:
Lot 2 in DP 24257 Nora Creina Rd, Robe.



23 July 2019

Malcolm Govett
Planning Officer
Development Assessment - Planning and Land Use Services
Department of Planning, Transport and Infrastructure
GPO Box 1815
ADELAIDE SA 5001

By email: malcolm.govett@sa.gov.au

Dear Malcolm

**Re: Additional Information
Development Application – 822/0037/18
Proposed Caretakers Dwelling
2082 Nora Creina Road, Nora Creina**

MasterPlan SA Pty Ltd writes on behalf of our clients, Mr Thomas Egan and Dr Linda Hemphill, to provide information and clarification in response to matters raised by the Coast Management Branch following a site inspection of the property at 2082 Nora Creina Road, Nora Creina.

The notes provided to MasterPlan following the inspection of the proposed development site by officers of the Coast Management Branch (CMB) and Department of Planning, Transport and Infrastructure (DPTI), raise questions regarding siting of various elements of the proposed development, and the previously approved dwelling.

The notes provided to MasterPlan include a range of marked up images by CMB. Some of the plotted images are from superseded plans. However, these images highlight errors in the definition of the Heritage Agreement boundary. Errors in the original documentation of the Heritage Agreement boundary by the Department of Environment and the original survey associated with the approved dwelling location have contributed to the apparent inconsistency regarding siting, including some plans prepared by MasterPlan. Briefly the Heritage Agreement boundary has previously been shown further east and north of its actual location. Consequently, a number of the images and mark-ups by CMB appear to indicate that the proposed dwelling is located within the Heritage Agreement area, when in fact, it is outside of this area.



It is requested that in determining the development application that reference is made to the accurate survey plan prepared by Alexander & Symonds which formed part of the application documents and is **attached** to this correspondence (**Attachment A**).

The matters which we consider need to be clarified are:

- location of the approved dwelling;
- location of the proposed dwelling relative to the Heritage Agreement boundary;
- location of the CFS access route;
- capacity to drive through underneath the proposed dwelling; and
- extent of vegetation clearance.

Location of the Approved Dwelling

A copy of the stamped approved plans for Development Application 822/100/14 are attached to this correspondence (**Attachment B**). The location of this approved dwelling has now been translated to the Site Plan Enlargement (by MasterPlan dated July 2019 in **Attachment C**), which is based on the Alexander and Symonds survey plan of the Heritage Agreement boundary.

As illustrated on this plan and shown in an extract below, the location of the proposed dwelling relative to the approved dwelling is approximately 70.0 metres to the south west.

Location of the Proposed Dwelling

The location of the proposed dwelling is shown on the Site Plan Enlargement and is setback approximately 20.0 metres from the boundary of the Heritage Agreement area.

The area proposed for the dwelling was subject to damage from illegal use of the property by motorcycles. The damage caused by these vehicles prior to my clients purchasing the property is difficult to ascertain from historical aerial imagery. Current aerial imagery that may appear as areas of "vegetation" clearance may in fact be areas that have been the subject of rubbish removal. I have been informed by my clients that 15 semi-trailers of metal for recycling, along with a greater quantity of other rubbish has been cleared from an area north-east of the proposed dwelling site. I understand that the vegetation in the area cleared of rubbish consisted largely of quick-growing Acacia etc., but also of Box Thorn (*Lycium ferocissimum*) and self-sown Apple trees, grown on a base of rubbish meters deep and years old, dumped there by the former owners of the property and people from Nora Creina. This area has been re-planted post-clearing which has done very well with weed control and final further supplementary planting will occur this year.



The CFS access route around the dwelling is shown on the Site Enlargement Plan and links with the established access track to this area of the property. The CFS have assessed the access route on site and provided advice which has been incorporated into the design, particularly the width of the fire track being six metres in width. The fire access track approved as part of the original application incorporated by-pass areas, which would have resulted in clearance of native vegetation. The route now proposed utilises existing cuttings and tracks across the property and thereby minimises clearance of vegetation.

CMB have questioned the capacity of the proposed dwelling to achieve a "drive-through". The dwelling is elevated above ground level and hence the tanks and "drive through" can be achieved.

Extent of Vegetation Clearance

It is apparent that CMB are concerned about the extent of vegetation clearance associated with the development. It should be noted that vegetation clearance for the dwelling and fire access was part of the approved dwelling and should it be required an application will be made for assessment to the Native Vegetation Branch.

My clients have a detailed understanding of the subject land and since obtaining the planning consent for the original dwelling location, Mr Egan and Dr Hemphill have undertaken extensive work on the site in relation to the vegetation management. It is therefore disappointing for my clients that one of the concerns of the CMB relates to a perceived significant impact on native vegetation and on local biodiversity.

CMB infer that the site of the proposed dwelling is more densely vegetated than the previously approved site. This perception may be correct from aerial photographs, however I'm informed that the site of the proposed dwelling appears more densely vegetated due to an abundance of fast growing, dominant Coastal Wattle (*Acacia longifolia.sophorae*) species. The Coastal Wattle had colonised this area following damage from previous motorcycle usage prior to our clients taking possession of the property.

That site of the approved dwelling is either within or adjacent a Currant Bush (*Leucopogon parviflorus*) forest. Partial clearance by previous owners of this Currant Bush forest can be ascertained by comparison of the historical imagery (comparison Google Earth of December 2013 and 2014/2015). By the December 2018 image, my clients had revegetated the area with White Currant Bush (*Leucopogon parviflorus*) as part of the property's revegetation programme. Replanting of 250 White Currant bush plants has encouraged native fauna (echidnas and wombats) to return to this area and their preferred habitat.

It continues to be our respectful submission that the proposed site involves less disturbance to significant vegetation species than the approved site, does not involve cut and fill and disturbance to landform as perceived by the CMB and is located further from the sand dune blow out.



Summary

As we have stated in previous correspondence, it is our opinion that the amended location of the proposed dwelling is considered to be appropriate in the locality, given:

- the size of the site (40.0 hectares) relative to the small size of the proposed dwelling (128 square metres);
- the setbacks from boundaries;
- the type and density of the vegetation on the proposed site versus the more sensitive area of the approved site;
- the location of the dwelling is outside of the Heritage Agreement area;
- it is sited on solid ground and appropriately separated from the sand dune blow out;
- the method of construction minimises cut and fill and impacts on the landform; and
- the undulating nature of the site minimises, and the existing vegetation minimises the visibility of the dwelling in a manner that would not have an unreasonable adverse impact on the character, amenity or scenic beauty of the locality.

Whilst the views of the CMB are acknowledged, this advice is for the regard of SCAP as the concurrence authority, noting that the Council Assessment Panel supported the proposed development, it continues to be our opinion that the proposed development is appropriately sited so as minimise impacts on vegetation and coastal features.

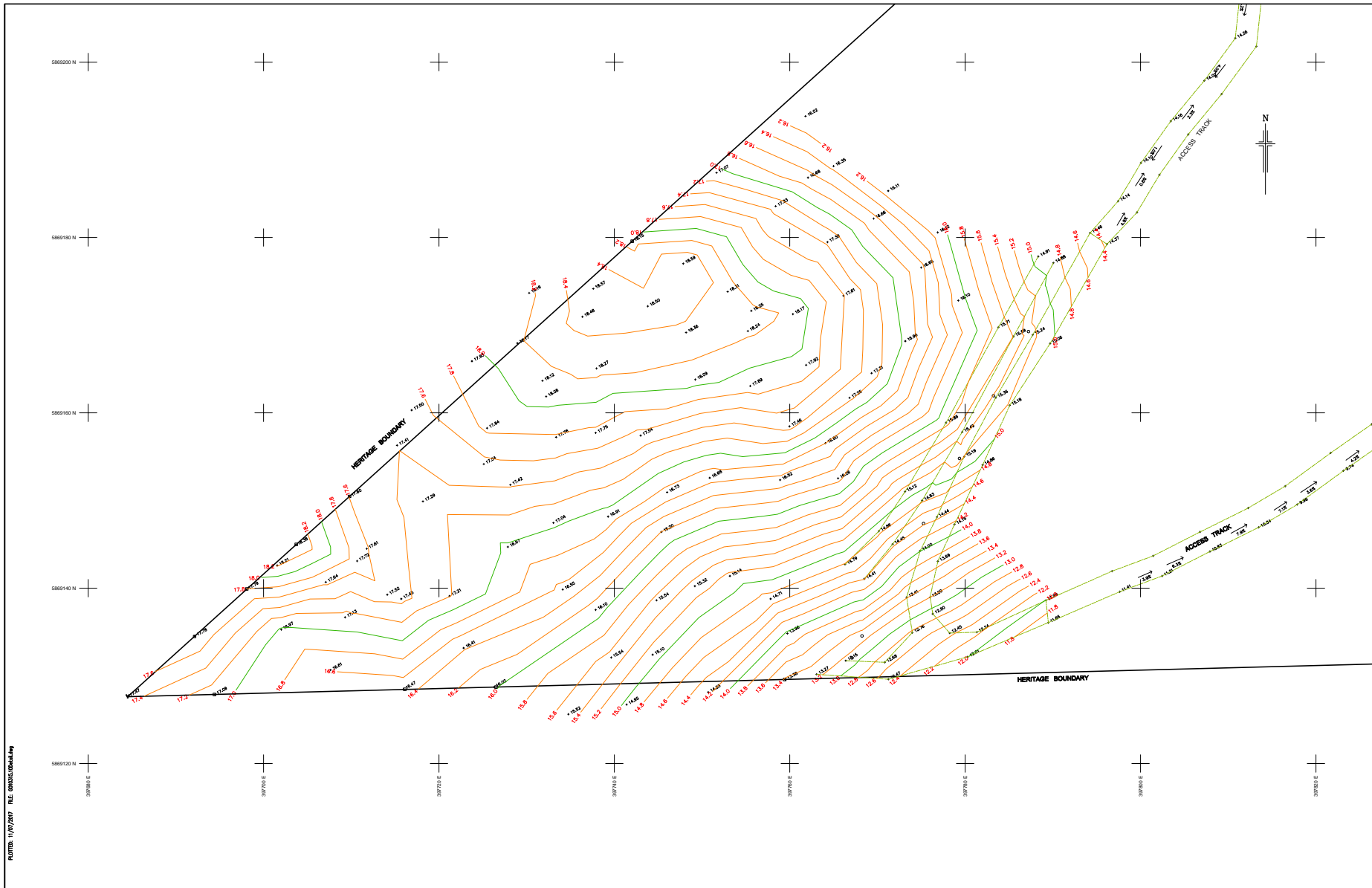
The proposed development sufficiently accords with the provisions of the Development Plan to warrant the granting of Development Plan Consent.

Yours sincerely

Julie Jansen
MasterPlan SA Pty Ltd

ATTACHMENT A

Survey



PLUMB: 11/07/2017 FILE: COND1351510.dwg

REV	DATE	DESCRIPTION	CHKD	FIELD
		ADDITIONAL AMENDMENTS AND APPROVALS		

LEGEND

<ul style="list-style-type: none"> ▲ 45°/135° TOP KERB ■ WATER TABLE ■ FLOOR LEVEL ■ ALR, INVERT LEVEL ■ TEL. COMB. PILLAR / PRT ■ TRAFFIC LIGHT ■ SIGN / PUS SIGN ■ WATER METER ■ SPRIKLER / IRIG VALVE ■ HOSEWENT ■ DOMESTIC OUTLET ■ DOWNPIPE ■ DOMESTIC CUPP ■ STORMWATER WHOLE ■ GSI - GRADING ■ GSI SERVICE 	<ul style="list-style-type: none"> ■ TRACK GRADE/FULL DIM ■ TEL. COMB. PILLAR / PRT ■ SIGN / PUS SIGN ■ LITTER BIN ■ TICKET MACHINE ■ STONE / WOODEN POLE ■ POST / WOODLAND ■ POWER WH. (G.S.P.) ■ UNKNOWN POINT / SERVICE 	<ul style="list-style-type: none"> ■ REGU. TBM ■ SURVEY MARKS ■ BENCHMARK ■ TREE / SHRUB ■ SIGNIFICANT TREE (to be preserved) ■ SIGNIFICANT TREE (to be removed) ■ WALL ■ CONCRETE ■ FENCE ■ GATE 	<ul style="list-style-type: none"> --- BOTTOM OF BANK --- TOP OF BANK --- CHANGE OF GRAD --- ROAD SIGN / HOARD --- DRAN --- SEWER PIPE LOG --- TEL. COMB. LOG --- WATER PIPE LOG --- BALDING --- WALL --- CONCRETE --- FENCE --- GATE
---	---	---	--

COORDINATE SYSTEM

VERTICAL: AHD
 HORIZONTAL: GROUND PLANE ORIENTED TO: MGA 84 ZONE 54
 SCALE: GROUND (CSF = 0.999 728 343)

ADOPTED STATION & AUTHORITY

PSM 6823388	RL: 3.924m	SSB
PSM 6823388	E: 386263.922	SSB
PSM 6823388	N: 586621.294	SSB

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 (Public Domain) Government survey data base values (Public Domain)

0 2 4 8 12 16 20 m

1:200

ORIGINAL SHEET SIZE A1

CONTOUR INTERVAL: MAJ 1.0m, MIN 0.2m
SURVEY: MUR 10.07.2017
DRAWING: MUR 12.07.2017
CHECKED: -

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• Property - Land Development +
 • Construction - Mining +
 • Spatial Information Management +

Alexander Symonds
 Surveying Consultants

DETAIL SURVEY
LOT 2 in D 24257
NORA CREINA

DRAWING No. G010315.10Detail SHEET 1 OF 1 REVISION







ATTACHMENT B

Approved Plans

Site Plan ENLARGEMENT

Cape Rabelais, 2082 Nora Creina Road
NORA CREINA

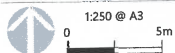
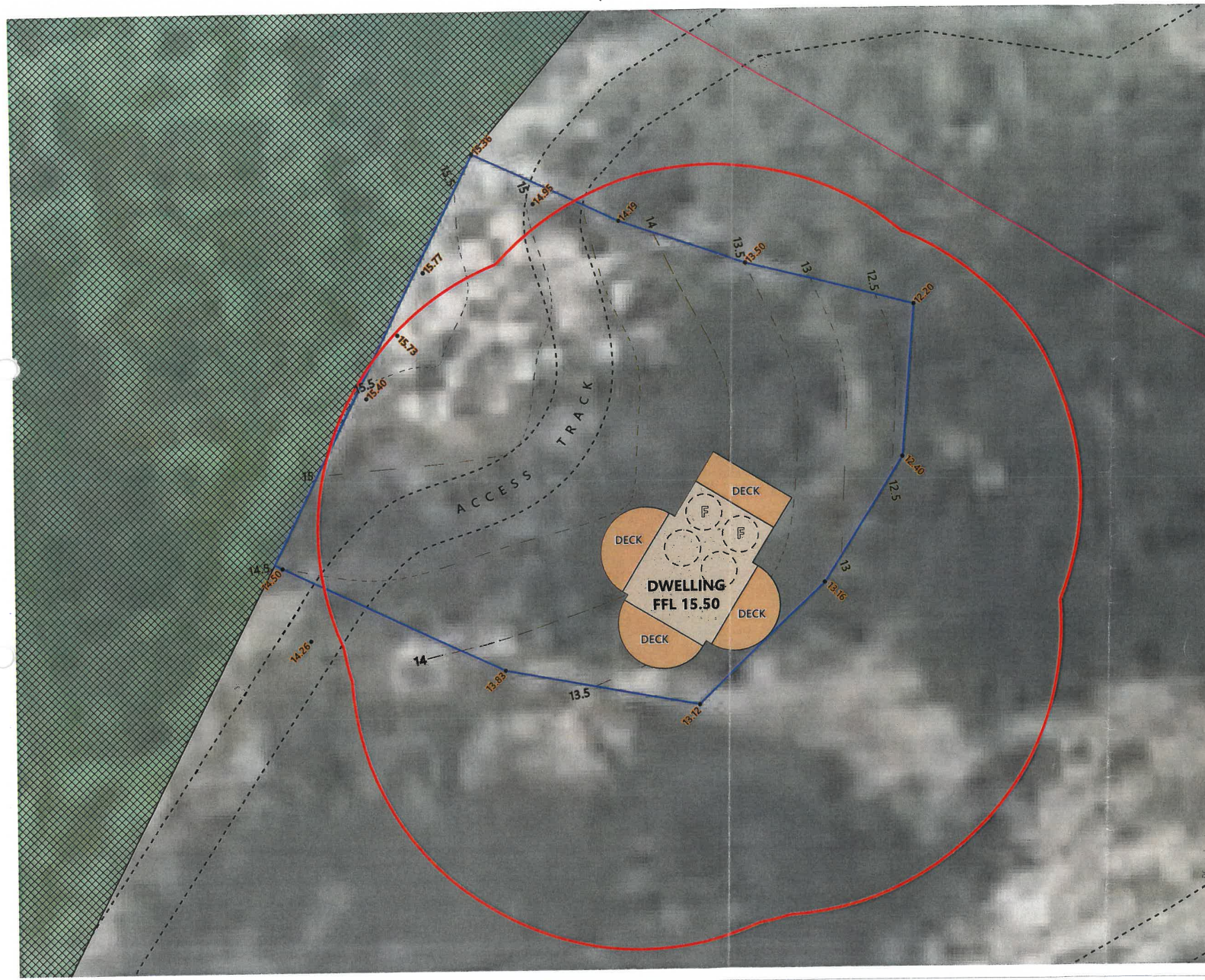
For Thomas Egan and Linda Hemphill

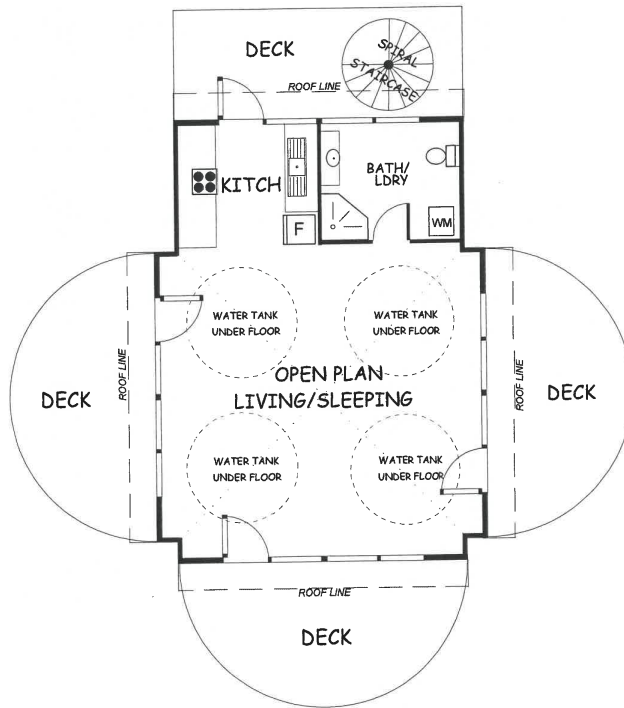
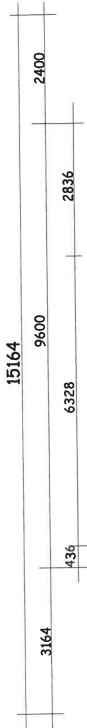
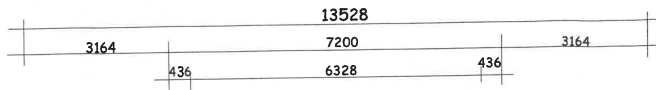
-  Heritage Agreement Area
-  Proposed Dwelling Site
-  Access Track
-  Asset protection area:
20m from dwelling
-  Rainwater tanks minimum 15,000L
for dwelling: under dwelling
-  Dedicated fire fighting water
minimum 22,000L: under dwelling

RECEIVED
09 JUN 2015

BY:

DISTRICT COUNCIL OF ROBE
Development Act 1993
DEVELOPMENT PLAN CONSENT
Approved Plan
Development No: 8221 100 / 14
Signed: *[Signature]*
Title: *Dev. officer.*
Date: *31.7.15.*
(NOTE: NOT DEVELOPMENT APPROVAL)

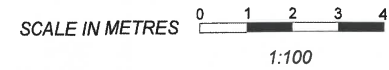




RECEIVED
09 JUN 2015

BY:

FLOOR PLAN



TOTAL FLOOR AREA: 66.27m²
PLUS TOTAL DECK AREAS: 62.36m²

RAL KEY COMPONENTS:

- 1 x Basic Module
- 4 x End Window Walls
- 1 x Deck (standard)
- 3 x Decks (special, curved)

DISTRICT COUNCIL OF ROBE
Development Act 1993
DEVELOPMENT PLAN CONSENT
Approved Plan
Development No: 822/100/14
Signed: *M. Gibson*
Title: *Dev Officer*
Date: *31.7.15*
(NOTE: NOT DEVELOPMENT APPROVAL)

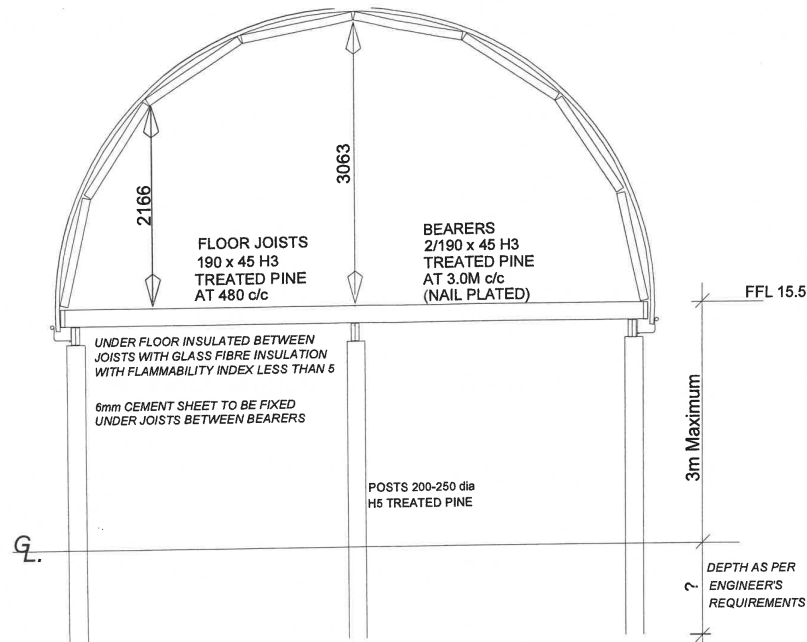
DECEMBER 2014

SHEET 1 OF 3

Proposed dwelling for
Thomas Egan
2082 Nora Creina Road
Nora Creina, S.A. 5276

RECEIVED
09 JUN 2015

BY:



DISTRICT COUNCIL OF ROBE
Development Act 1993
DEVELOPMENT PLAN CONSENT
Approved Plan
Development No: 822/100/14
Signed: *MJ-bris*
Title: *Dev Officer*
Date: *31.7.15*
(NOTE: NOT DEVELOPMENT APPROVAL)

TYPICAL SECTION

SCALE IN METRES 0 0.5 1 1.5 2
1:50

**PLEASE NOTE: ACCURATE FOOTING, SUPPORT & SUB-FLOOR REQUIREMENTS
TO BE DETERMINED BY ENGINEER TO SUIT SITE CONDITIONS**

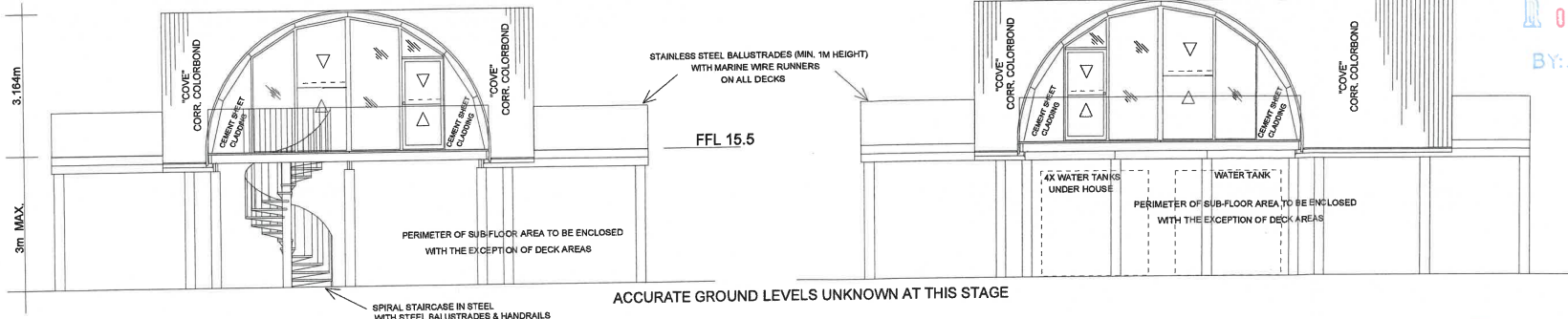
DECEMBER 2014

SHEET 3 OF 3

Proposed dwelling for
Thomas Egan
2082 Nora Creina Road
Nora Creina, S.A. 5276

RECEIVED
09 JUN 2015

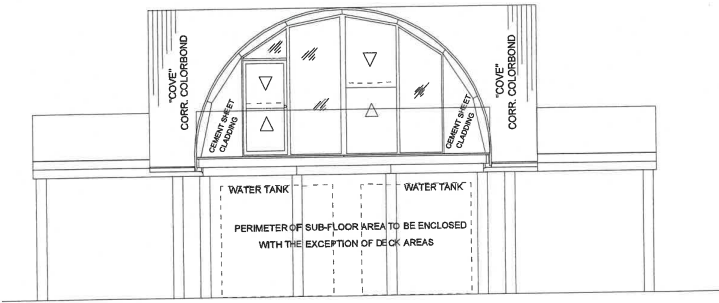
BY:



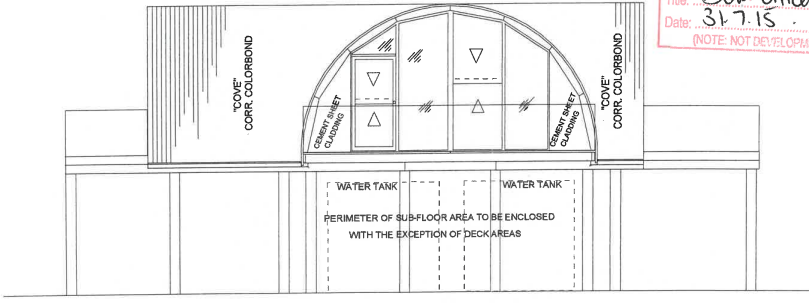
NORTH ELEVATION

EAST ELEVATION

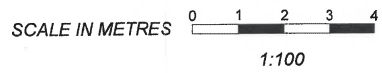
DISTRICT COUNCIL OF ROBE
Development Act 1953
DEVELOPMENT PLAN CONSENT
Approved Plan
Development No. 822/100/14
Signed: M. Gibson
Title: Dev Officer.
Date: 31.7.15
(NOTE: NOT DEVELOPMENT APPROVAL)



SOUTH ELEVATION



WEST ELEVATION

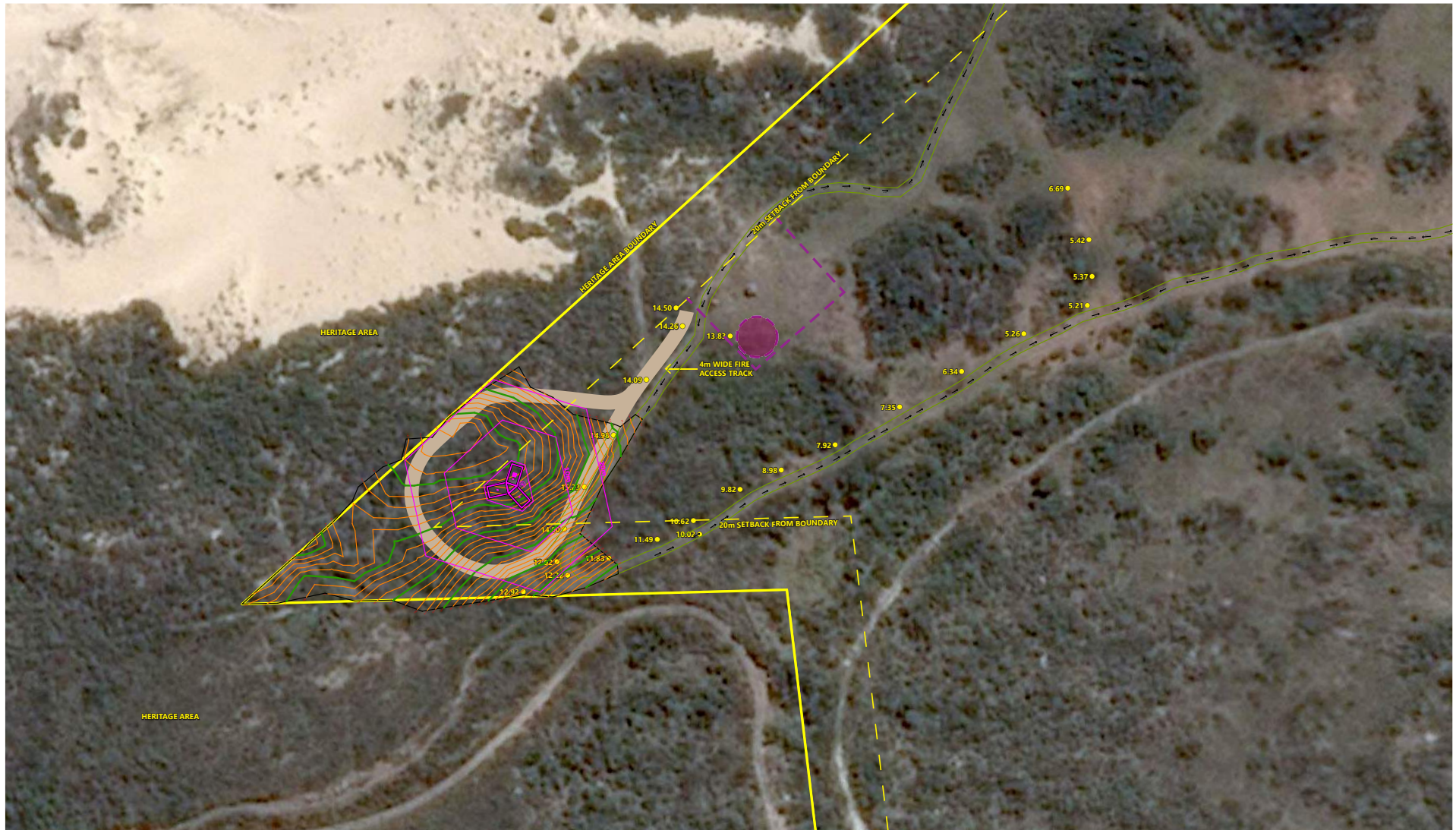


- ROOF & EXTERNAL WALL STRUCTURE: MGP12 90x45 TIMBER FRAMING WITH 12MM STRUCTURAL PLYWOOD INTERIOR LINING
- SHELL INSULATION: 3 LAYERS WITH A TOTAL THERMAL RESISTANCE OF R4.5. GLASS FIBRE INSULATION WITH FLAMMABILITY INDEX LESS THAN 5
- ROOFING/EXTERNAL CURVED WALL CLADDING: 0.60 CURVED BHP CORR. COLORBOND ROOFING IN "COVE" COLOUR
- RAINWATER GUTTERS: RECESSED METAL GUTTERS AT BASE OF ROOFING. PVC INTERCEPT VALLEY GUTTER (BAL LOW TO 19) OR METAL (BAL 29 TO FZ).
- OTHER EXTERNAL WALL CLADDING: 6MM THICK CEMENT SHEET
- WINDOW FRAMES: MERBAU TIMBER (UNLESS BAL 40, THEN BUSHFIRE SHUTTERS REQUIRED, OR CHANGE TO ALUMINIUM WINDOW FRAMES)
- WINDOW GLAZING - WINDOWS/DOORS: DOUBLE GLAZED WITH TOUGHENED GLASS
- FLYSCREENS: STAINLESS STEEL MESH FLYSCREENS WITH 2MM APERTURE
- SUB-FLOOR: TREATED PINE POSTS AND SUB-FLOOR
- SUB-FLOOR INSULATION: UNDERFLOOR INSULATED & LINED WITH CEMENT SHEET (TOTAL THERMAL RESISTANCE OF R3.25)
- DECKING: MERBAU TIMBER DECKING (UNLESS BAL 40 OR FZ THEN COMPRESSED CEMENT SHEET DECKING)

DECEMBER 2014 SHEET 2 OF 3

Proposed dwelling for
Thomas Egan
2082 Nora Creina Road
Nora Creina, S.A. 5276

ATTACHMENT C
Site Plan



- Heritage Area Boundary
- 🏠 Proposed Dwelling Location
- Indicative Location of Approved Dwelling

Site Plan Enlargement
 VARIATION TO APPROVED CARETAKERS DWELLING

2082 Nora Creina Road
 NORA CREINA

for Thomas Egan and Dr Linda Hemphill



33 CARRINGTON STREET
 ADELAIDE SA 5000
 Tel: 08 8193 5600
 Fax: 08 8221 6000

MASTERPLAN.COM.AU
 PLAN@MASTERPLAN.COM.AU
 © JULY 2019 BL:14216_1.3





Ref: CPB 117/18
~~14 November 2018~~
20 November 2018

Michelle Gibbs
District Council of Robe

VIA EMAIL

Dear Michelle

L4, 81-91 Waymouth Street
Adelaide SA 5000
GPO Box 1047
Adelaide SA 5001
Australia

Contact Officer: Peter Allen
Ph: 8124 4906
Email: peter.allen@sa.gov.au

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

www.environment.sa.gov.au

Development Application No	822/037/18
Applicant	Egan and Hemphill
Description	Variation to DA 822/100/14 – amended siting and design of dwelling
Location	Lot 2 Nora Creina Road Nora Creina
Development Plan Zone	Coastal Conservation
Council	DC Robe
Planning Authority	Dc Robe

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 policies within its Policy Document 2012 at:

[http://www.environment.sa.gov.au/about-us/boards-and-committees/Coast Protection Board/Policies strategic plans](http://www.environment.sa.gov.au/about-us/boards-and-committees/Coast%20Protection%20Board/Policies%20strategic%20plans)

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

<http://www.environment.sa.gov.au/our-places/coasts>

Coast Protection Board Policy

As per the Coast Protection Board's Policy Document 2002, 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.

The Board's policies are generally reflected in Council's Development Plan.

Proposal

Variation to siting and design of previously approved dwelling (DA 822/100/14) at 2082 Nora Creina Road, Nora Creina.

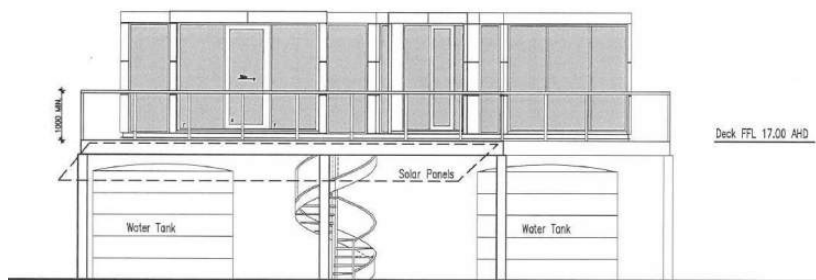


Fig.1. Proposed (amended) dwelling design. Source: Application documents



Fig.2. Development sites. Source: Google Earth

Discussion

Coastal Flooding and Erosion

Coast Protection Board Policy 1.4(b):

“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.”

Coast Protection Board Policy 1.5(b):

“The Coast Protection Board opposes development, including land division, which is subject to coastal hazards or will impact on areas of significance.”

The Board seeks to minimise the exposure of new and existing development to risk of damage from coastal hazards. The proposed (amended) development site, and the existing approved development site, are both located on areas of a large dune system which are presumed to be currently and relatively stable, however there is a large dune blow-out some 80 metres to the north-west of the proposed site which indicates the potential for landform instability. The subject blow-out has the potential to expand and migrate inland if suitable conditions arise.



Fig.3. Proposed development site. Source: CPB aerial obliques



Fig.4. Contours of the proposed development site. Source: Application documents

The Board did not object to the currently approved siting partly on the basis that it would seem to involve less disturbance to substantial existing vegetation cover, and landform.

The proposed siting is considered to increase the risk of dune de-stabilisation and the associated risk to the development from a sand drift / dune mobility hazard, due to the additional vegetation clearance required, and from what appears to be the requirement to establish a relatively level building site on a steeper gradient. Cut and fill works likely increase the risk of dune instability.

The Board notes the extensive area on the allotment set aside under a Heritage Agreement and that the applicants have reportedly commenced revegetation efforts and provided progress reports to Council. It is not known whether re-vegetation and stabilisation of the blow-out is part of those proposed works.

Irrespective of proposed re-vegetation, maintaining existing vegetation cover and siting any new development to provide an adequate buffer from the current dune blow-out would be the best strategy to minimise risk to the development. In this regard the most suitable location for the caretakers dwelling would be in the cleared area where the existing farm buildings and site office are located, notwithstanding the currently approved dwelling site.

In summary the proposed amendment is considered to increase the risk of dune instability to an unacceptable level and is therefore at odds with the Coast Protection Board's coastal hazard policies.

Native Vegetation and Coastal Biodiversity

Coast Protection Board Policy 1.4(e):

“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 4.1(a):

“The Board will instigate and/or participate in the conservation of the diversity of plant, animal and marine species within coastal areas.”

Coast Protection Board Policy 4.2 (a):

“The Board will seek to identify, protect and manage coastal environments with high conservation values.”

The application information states that consideration of native vegetation was important in determining that the proposed site will be preferable to the approved site. In particular it was suggested that not developing on the approved site will assist in the natural re-vegetation of Coastal Bearded Heath (aka Current Bush) and Blue Love Creeper.

However, DEW mapping indicates that Coastal Bearded Heath is a dominant species present throughout this area of the dune system, and the Board is concerned that it may also be present within the proposed development site.

In addition, the Little Dip Spider-orchid (*Caladenia richardsiorum*) has been sighted on the property (DEW 2018) and in close proximity to the proposed development site. The Little Dip Spider-orchid is listed as endangered under the *Environment Protection and Biodiversity Conservation Act 1999* and grows in a range of habitats including inland of coastal dunes (Bates 2000 pers. comm.) and is most commonly associated with coastal flora including the Coastal Daisy-bush (*Olearia axillaris*) and Coastal Bearded Heath (*Leucopogon parviflorus*) (SA DEH 2007c) which are also known to be present on the property.

The application information further states that the revised site has been chosen as it has recently been impacted by off-road vehicle activity and is degraded. Photographs have been supplied showing the damaged vegetation. It is the Board's assessment, however, that adequate vegetation cover remains and it is likely that the damaged area will naturally regenerate if appropriately managed.

In summary, from the information provided it appears that the impact on native vegetation associated with the current proposal is greater than that for the existing proposal, to an extent that it is not supported. A detailed vegetation survey of both the approved and proposed development areas would clarify the merits of one site over the other in terms of native vegetation impacts. CFS fire safety requirements should also be considered. Such a survey may also need to be undertaken as part of an application for approval to clear vegetation under the *Native Vegetation Act 1991*.

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.”

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.”*

The applicants have indicated a strong commitment to revegetation and care for the land, which would constitute a significant environmental benefit. It is understood that a vegetation management plan has been supplied as part of the original approval (although not sighted by the Board), and is addressed by a Condition of Approval.

While the above policies may provide dispensation to scattered coastal development which provides for a significant environmental benefit, they also require that such development is subservient to important natural values, and is not subject to coastal hazards. The current proposal does not satisfy the above two conditions.

Coastal Amenity

Coast Protection Board Policy 5.2(a):

“The Board opposes development that has significant visual impact on coastlines with significant landscape value”

The proposed development is adjacent to a coastline that is relatively free of built development and has a highly valued scenic amenity. Application information indicates that the proposed development will be partially visible from the nearby beach to the north-west, however it is the Board’s assessment that the development not have a significant visual impact on the subject landscape including from key public nodes.

References

Bates, R.J. (2000). *Personal communication*.

Department for Environment and Water (2018). Biological Databases of South Australia – Overview. http://www.environment.sa.gov.au/Science/Information/Data/Biological_databases_of_South_Australia (1 November 2018)

South Australian Department of Environment and Heritage (SA DEH) (2007c). *Threatened Flora of the South East- Little Dip Spider-orchid Caladenia richardsiorum*. South Australia: South East Natural Resources Management Board, DEH. Available from: <http://www.senrm.sa.gov.au/LinkClick.aspx?fileticket=GVRDSr5xjY%3D&tabid=804&mid=2387>.

Coast Protection Board Response

The Coast Protection Board recommends that the application be refused as the proposed development:

- will result in a significant impact on native vegetation, thus impacting on local biodiversity values
- will potentially exacerbate the instability of the existing sand dune system, through vegetation removal and as a result of site preparations (cut and fill)
- will place the development at an increased risk of sand dune instability and mobility
- does not satisfy the Board's criteria for coastal development outside of urban areas.

Please further note that native vegetation on the site is protected under the *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017*. It would be advisable for the applicant to consult with the Native Vegetation Council to discuss the likelihood of gaining consent to clear native vegetation for the proposed development. For further information visit:

<http://www.nvc.sa.gov.au>, which includes an online interactive guide. The Native Vegetation Council can be contacted on 8303 9777 or via email nvc@sa.gov.au.

Yours sincerely



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

Notes following DEW Coastal Management Branch (CMB) site visit 14/5/2019

It appears there are discrepancies in the information presented by Masterplan and/or the applicant. DPTI may wish to clarify these to assist it in making its assessment:

- The proposed dwelling site as per the two *Dwelling Location Plans* (July 2017 and December 2018) does not correlate with the actual prepared site, as per Figures 1 and 2 below.
- The location of the proposed dwelling is not accurately portrayed on the *Site Plan Enlargement* (July 2017) – the actual location is away from steep contours and closer to the boundary of the Heritage Agreement Area. Refer Fig 3 below.
- The location of the CFS vehicle loop and exact CFS requirements. Utilisation of the existing loop track on the *Dwelling Location Plan* (Fig. 1) is contrary to the *Site Plan Enlargement* (Fig. 3), which proposes a fresh route through native vegetation. The latter is also contrary to the *Statement of Effect* (February 2018, p.5) which advises that “*the proposed site is between two established fire tracks, minimising the need for new road cutting*”
- The approved dwelling site is somewhat uncertain (to CMB). Unless there was a misunderstanding the area we were shown on site as the approved dwelling site appeared to be vegetated with established, remnant native vegetation of mixed species and did not appear to correlate with the *Dwelling Location Plan* (December 2018), nor with advice that “*The site of the approved dwelling has been revegetated with White Currant Bush (Leucopogon parviflorus) as this was previously cleared*” (Masterplan letter December 2018). A rough collage highlighting these possible discrepancies is made in Figs. 6 & 7.
- The *Ground Level Plan* shows a vehicle “drive through” underneath the dwelling platform. This drive through may not align with access arrangements and the prepared site we examined.
- Advice that “*the proposed site involves less disturbance to significant vegetation species than the approved site, does not involve cut and fill and disturbance to landform as perceived by the Coast Protection Board*” (Masterplan letter December 2018, p.7) does not appear to be accurate (e.g. refer Figures 2,3,4 below) although that may depend in part on the actual location of the approved site, and the extent of degradation on the proposed site (which is now difficult to ascertain due to site preparations)
- Advice that the proposed development is exempt from the requirements of the Native Vegetation Act as the development “*is a dwelling and the vegetation is not substantially intact*” (Vegetation Management Plan, p. 2) may not be accurate (e.g. refer Fig 4 and satellite imagery). CMB suggests this be verified by the NVC.
- Given the above CMB is uncertain about the extent of possible further vegetation clearance or management to facilitate CFS requirements and access to the proposed dwelling.

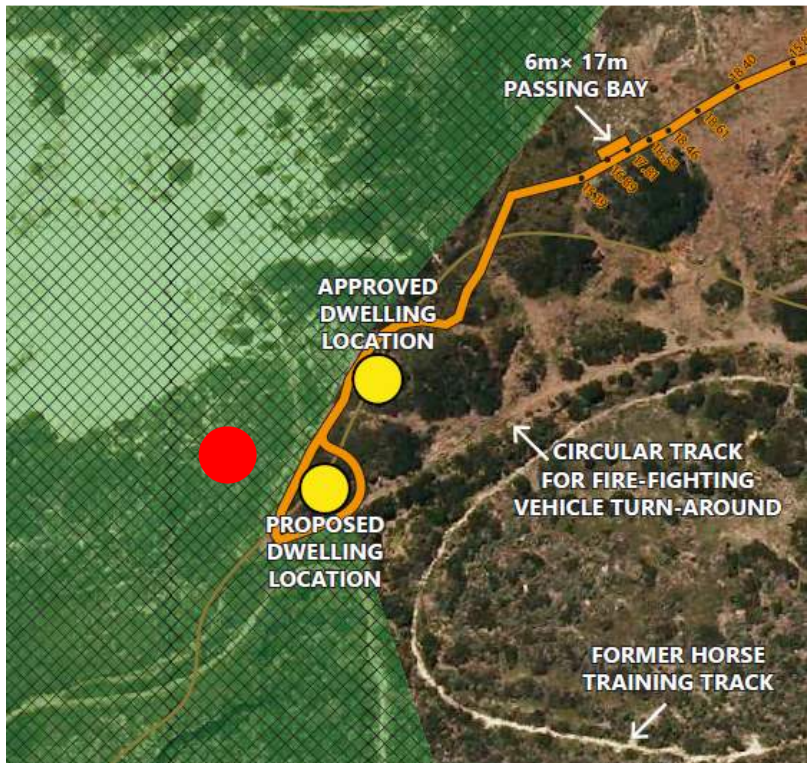


Fig. 1: extract from Dwelling Location Plan (Masterplan, Dec. 2018), with the actual proposed dwelling site shown as red dot (by CMB).



Fig. 2: Google Earth 23/12/2018. Dwelling site clearance circled red.



Fig. 3: Actual dwelling site (circled red by CMB) is on flatter topography than shown on the *Site Plan Enlargement, Masterplan, July 2017*.



Fig. 4: Proposed dwelling site preparations (CMB May 2019)



Fig. 5: Extract from site plan for DA [822/100/14](#) as referred to CPB, showing "Indicative site of proposed dwelling" on the 10m contour.



Fig. 6: Various dwelling sites approximately plotted by CMB on EnvMaps 2013 image, with 10m contour.



Fig. 7: Dwelling sites (Fig. 6 above) plotted on Google Earth - Dec 2018 image

DEVELOPMENT ASSESSMENT SERVICE

Your Ref: 822/037/18
Our Ref: Robe DA
Please refer to: 20181112-021b

12 November 2018

District Council of Robe
PO Box 1,
ROBE SA 5276

ATTN: M GIBBS

Dear Michelle,

**RE: DEVELOPMENT APPLICATION (PLANNING ASSESSMENT) – EGAN & HEMPHILL
LOT 2 (2082) NORA CREINA ROAD, NORA CREINA**

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

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) 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 in principle to the proposal to undertake residential development on the above mentioned allotment.

In order for the proposed development to be deemed suitable, the SA CFS requests the mandatory conditions of the Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) are addressed.

ACCESS TO HABITABLE BUILDING

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 notes that the proposed access, as detailed on drawing named Dwelling Location Plan, dated May 2017, presents an extreme risk, due to the distance to travel through hazardous vegetation.

Further consideration shall be given to the safety of occupants and fire fighters in the event of an emergency, i.e. increasing the trafficable width of the main access route and providing a formed second access.



- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of **6** metres and must allow forward entry and exit for large fire-fighting vehicles. *This will provide a dual carriageway, negating the need for passing bays.*
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either –
 - 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.
- Understorey vegetation either side of the access road shall be reduced to a maximum height of 10cm for a distance of 2 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.

Ministers Specification SA 78 describes the mandatory provision for access to the dedicated water for fire-fighting vehicles where the path of travel from the entrance to the property to the water storage facility is more than 30 metres in length, by an all-weather roadway.

SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named Planning, dated at last revision (B) Feb'17, providing the outlet is positioned to comply with the following conditions:

SA CFS notes no part of the access shall require fire fighting vehicles to utilise the 'Drive through' as noted on drawing named Planning dated at last revision (B) Feb'17.

- The water supply outlet shall be easily accessible and clearly identifiable from the access way, that is a distance of no greater than 30 metres from the proposed habitable building. Stand alone tanks shall be identified with the signage 'WATER FOR FIRE FIGHTING' and the tank capacity written in 100mm lettering on the side of each tank and repeated so that the sign is visible from all approaches to the tank. The sign shall be in fade-resistant lettering in a colour contrasting with that of the background (ie blue sign with white lettering.)
- 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.

CFS Mission

To protect life, property and the environment from fire and other emergencies whilst protecting and supporting our personnel and continuously improving.

- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.

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 habitable building 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 habitable building).
- 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.

CFS Mission

To protect life, property and the environment from fire and other emergencies whilst protecting and supporting our personnel and continuously improving.

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 habitable building (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 and must be separated by at least 1.5 times their mature height.
 - 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 habitable building (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.

SITING

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) Part 2.3.2 describes the requirements for buildings to be sited away from areas that pose an unacceptable bushfire risk. This includes areas with rugged terrain or hazardous vegetation.

SA CFS notes there are alternative sites on the allotment that present lower risks, i.e. requiring a lower construction level, closer proximity to the public road, safer access, and reduced proximity to the heritage boundary (inability to manage vegetation beyond the 20m proposed separation).

Compliance with the fire protection requirements is not a guarantee the habitable building 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,



LEAH BERTHOLINI

BUSHFIRE SAFETY OFFICER
DEVELOPMENT ASSESSMENT SERVICE

CFS Mission

To protect life, property and the environment from fire and other emergencies whilst protecting and supporting our personnel and continuously improving.



DEVELOPMENT ASSESSMENT SERVICE

Your Ref: 822/037/18
Our Ref: Robe DA
Please refer to: 20181112-021b

12 November 2018

District Council of Robe
PO Box 1,
ROBE SA 5276

ATTN: M GIBBS

Dear Michelle,

**RE: BUSHFIRE ATTACK LEVEL (BAL) ASSESSMENT – EGAN & HEMPHILL
LOT 2 (2082) NORA CREINA ROAD, NORA CREINA**

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 FZ (FLAME ZONE)
-----------------------------	---------------------

SA CFS would like to acknowledge that a lower BAL may be achievable should further separation be achieved from hazardous vegetation on and adjacent the subject allotment.

SA CFS will only Issue a revised Bushfire Attack Level upon conducting a new site assessment, once vegetation modification works are complete and/or siting of habitable building is amended.

Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.

The ability to reduce this rating any further is restricted by the proximity of heritage boundary and the hazardous vegetation adjacent the subject site.

BUILDING CONSIDERATIONS

For construction requirements and performance provisions, refer to the NCC Part 3.7 "FIRE SAFETY" Australian Standard™3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".

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.

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

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,



LEAH BERTHOLINI

BUSHFIRE SAFETY OFFICER
DEVELOPMENT ASSESSMENT SERVICE

CFS Mission
To protect life, property and the environment from fire and other emergencies whilst protecting and supporting our personnel and continuously improving.

Page 2 of 2

7 December 2018

Mr Roger Sweetman
Chief Executive Officer
District Council of Robe
PO Box 1
ROBE SA 5276

Attention: Michelle Gibbs

Dear Michelle,

**Re: Additional Information
Development Application – 822/0037/18
Proposed Caretakers Dwelling
2082 Nora Creina Road, Nora Creina**

MasterPlan SA Pty Ltd writes on behalf of our clients, Mr Thomas Egan and Dr Linda Hemphill, to provide additional information in response to matters raised in referral advice from the CFS and the Coast Protection Board, in relation to the proposed dwelling at 2082 Nora Creina Road, Nora Creina.

1.0 COUNTRY FIRE SERVICE REFERRAL ADVICE

The CFS referral response states that they have “no objection in principle to the proposal to undertake residential development”. In relation to access to the proposed dwelling, the CFS have sought the internal access road be six metres in width thereby negating the need for passing bays. **Attached** to this correspondence is an amended site plan which illustrates compliance with the CFS requirement for the access. In addition, this amended plan alters the alignment of the access route in response to comments made to my client by CFS officers during their site inspection. The CFS were concerned that the alignment of the access road was in close proximity to the dense vegetation adjacent the Heritage Agreement Area. The amended plan proposes to utilise an alternate former track which was cleared by the previous owners of the property.

2.0 COAST PROTECTION BOARD REFERRAL ADVICE

The referral response from the Coast Protection Board recommends to Council’s Assessment Panel that the application be refused on a number of grounds, which are discussed below. In determining the application, we note that the planning authority must have regard to the advice of the Coast Protection Board and their advice is not a “direction” to refuse.



It is concerning and disappointing that the advice received from the Coast Protection Board varies significantly from the advice received in relation to the original dwelling (Development Application No. 822/100/14 CPB Ref: 030/15 dated 5 June 2015), particularly given the location of the proposed dwelling:

- remains outside of the Heritage Agreement Area;
- continues to be in excess of 100 metres from the coastal boundaries of the property and even further from the high watermark;
- is located approximately 90 metres from the approved dwelling location, which on a site of 40 hectares is a minimal distance;
- is sited approximately 20 metres further setback from Nora Creina Road than the approved dwelling;
- is located further from a sensitive sand dune than the original approved dwelling;
- the original dwelling site is on the shoulder of the slope where sensitive long-lived flora thrive, especially a remnant forest of Current Bush (*Leucopogon parviflorus*) and rarer Blue Love Creeper (*Comesperma volubile*); and
- proposes a construction method (peer footings) that is less intrusive to the coastal environment than the previously approved dwelling.

The previous advice from the Coast Protection Board (apparently by the same officer/author) concluded that *"the Coast Protection Board advises it has no objections to the proposed development"*. In the advice the Coast Protection Board suggested that Council request a detailed vegetation and re-vegetation management plan. Council accepted this advice and sought the preparation of a detailed vegetation management plan and reinforced the revegetation and conservation works via a condition of Development Plan Consent (Condition 4 of DA 822/100/14).

Since obtaining the planning consent for the original dwelling location, Mr Egan and Dr Hemphill have undertaken extensive work on the site in relation to the vegetation management, as required by the condition. Whilst the condition was required to be actioned after development approval was granted, my clients have provided Council with a progress report on the revegetation and conservation works. Furthermore, my clients continue to work towards the approved vegetation management plan. A copy of this vegetation management plan is **attached** to this correspondence for the information of the planning authority. It is therefore disappointing for my clients that one of the reasons for the recommendation of refusal by the Coast Protection Board relates to a perceived significant impact on native vegetation and on local biodiversity.



The correspondence from the Coastal Protection Board recommends that the application be refused for the following reasons:

1. the proposal will result in a significant impact on native vegetation, thus impacting on local biodiversity values;
2. the proposal will potentially exacerbate the instability of the existing sand dune system, through vegetation removal and as a result of site preparations (cut and fill);
3. the proposal will place the development at an increased risk of sand dune instability and mobility; and
4. the proposal does not satisfy the Board's criteria for coastal development outside of urban areas.

On behalf of our clients, we seek to address each of these recommended reasons for refusal. In addressing the reasons for refusal, we have reviewed the previous advice of the Coast Protection Board (DA 822/100/14 – CPB/030/15 dated 5 June 2015). We consider this comparison is important and relevant, as the approved development application for a dwelling in the originally proposed location (and built form) remains current (via extension of the operative date of consent granted) and can proceed. Therefore, we consider that the recommendation of the Coast Protection Board to alter their original advice should be based on detailed or specific siting reasons.

2.1 Coastal Development Outside of Urban Areas

In response to the current development application, the Coast Protection Board have formed the opinion that the development does not satisfy the Boards Policy with regard to siting of development within compact settlements, as it does not provide a significant environmental benefit and may be subject to coastal hazards. This is quiet contrary to the view formed in relation to the approved dwelling site, which advised:

The proposed development is not sited within a planned, compact coastal settlement and therefore it is at odds with Coast Protection Board Policy 1.5(a). However, in its favour is that the development is of small scale and will be relatively unobtrusive given existing vegetation and its setback from roads and the coastline.

It continues to be our opinion that the dwelling in the proposed new location will also be relatively unobtrusive for the detailed reasons that have been supplied in previous correspondence to Council (including the response to representations and the Statement of Effect).



The perceived impacts on vegetation and sand dune stability are discussed below.

2.2 Sand Dune Instability

The Coast Protection Board advise that the *“proposed siting is considered to increase the risk of dune destabilisation and the associated risk to the development from a sand drift/dune mobility hazard, due to the additional vegetation clearance required, and from what appears to be the requirement to establish a relatively level building site on a steeper gradient. Cut and fill works likely increase the risk of dune instability”*.

This advice from the Coast Protection Board does not acknowledge that the construction methodology proposed in the current application utilises a peer footing system, which is significantly less intrusive on the environment than other construction methods. There is an inference that the construction will require considerable cut and fill, this is not the case. Some levelling may be required for the siting of the water tanks under the dwelling, however the remaining ground levels can remain natural ground levels. Consequently an increased risk of dune instability due to cut and fill is considered to be overstated.

The Coast Protection Board advice states that *“maintaining existing vegetation cover and siting any new development to provide an adequate buffer from the current dune blow-out would be the best strategy to minimise risk to the development”*. Siting of the dwelling in the proposed location is in our view on hard ground, well removed from the dune blow out which radiates from the soft sandy beach pocket (Rabelais Beach) north of the proposed dwelling site, below the long ridge line (of approximately one kilometre in length) along from Rabelais Peak to Cape Rabelais (Pont de Sponge).

Our clients are well researched and advised in relation to the vegetation and condition of the subject land, as background for the rehabilitation and revegetation of the site, including works to stabilise the dune blow out. Thomas Egan is a practicing barrister and solicitor with extensive experience in environmental law including water and resources law, Dr Linda Hemphill is an expert in historical conservation and conservation techniques. Both of our clients have executive experience in the requirements of land rehabilitation for mining site projects and hence are familiar with the scientific underpinnings and the project planning necessary for effective environmental conservation and rehabilitation. Most importantly, they are committed to sustainable environmental practice and conservation. A draft outline of Dr Hemphill's proposed publication on the Flora and Fauna of the Cape Rabelais region was previously provided to Council as part of the original development application. This work is well advanced and publication is expected to follow in due course.



Advice received from our clients in relation to the siting and sand dune stability includes the following:

- dune blow out erosion occurs due to sand sheets and shifting dunes which radiate back from the sandy pocket beach areas along the Coorong coastal plain of the Limestone Coast;
- the fine sand of the sand dunes (created by deep wave energy action) had historically been mined on the property behind Rabelais Peak. The sand extraction site was the first large scale remediation project undertaken at the property. The old sand mine site, which was subsequently used from the late 1960s as a refuse fill site for the Nora Creina village, was carefully excavated and refuse materials removed from the property. Then the sand mine site was extensively replanted with natives struck from seeds collected in the area after large scale thorough weed removal; and
- the location of the proposed dwelling, by contrast, will be on the ridge of rocky mostly Pleistocene limestone (aeolianite). This geology was formed and hardened during Quaternary glacial cycles by sedimentary exchange with the continental land mass to form the uplifted outcrops of the coastal barrier, ie the low range along the coast between Robe and Nora Creina (the Robe Range). The coast uplift aeolianite rock was formed later than and butts up against and over the still harder Cambrian bedrock of the Kanmantoo Group. Rabelais Peak, which is wholly within the subject property approximately 800 metres from the proposed building site, is an example of this even harder bedrock of the Kanmantoo Group and Padthaway Ridge elements of the Gambier Basin in evidence on the property.

In summary, the site of the proposed dwelling is located on rock, rather than on sand dunes. This location is considered stable and also allows for the area previously approved, which contains a remnant forest of Current Bush (*Leucopogon parviflorus*) and rarer *Comesperma volubile* (Blue Love Creeper), to revegetate.

Coast Protection Board advice infers that the site of the proposed dwelling is more densely vegetated than the previously approved site. This perception may be correct from aerial photographs, however I'm informed that the site of the proposed dwelling appears more densely vegetated due to an abundance of fast growing, dominant Coastal Wattle (*Acacia longifolia.sophorae*) species. The Coastal Wattle had colonised this area following damage from previous motor cycle usage prior to our clients taking possession of the property.

The site of the approved dwelling has been revegetated with White Currant Bush (*Leucopogon parviflorus*) as this was previously cleared. Replanting of 250 White Currant bush plants occurred in this area during the first year of my clients' ownership of the property (2016) to encourage native fauna (echidnas and wombats) to return to this area and their preferred habitat.

It is our respectful opinion that the proposed site involves less disturbance to significant vegetation species than the approved site, does not involve cut and fill and disturbance to landform as perceived by the Coast Protection Board and is located further from the sand dune blow out.



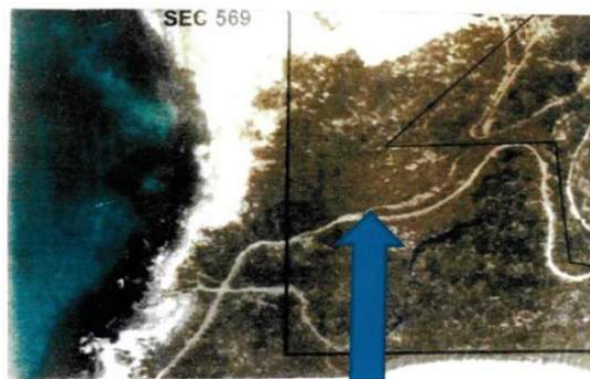
2.3 Impact on Native Vegetation and Biodiversity

In addition to general comments in relation to disturbance of vegetation, the referral response from the Coast Protection Board discuss the potential or perceived impact on local biodiversity values.

Reference is made in the referral advice to the Little Dip Spider Orchid (*Caladenia richardsiorum*), which is a nationally endangered species (EPBC). The Little Dip Spider Orchid (LDSO) is endemic to South East South Australia. It is highly localised and poorly conserved. It is known to occur in coastal areas between Kingston and Canunda, often near salt lakes. It occurs in a variety of habitats from exposed cliffs to coastal mallee, closed forests and low coastal shrublands, often in leaf litter of the inland side of dunes.

The Little Dip Spider Orchid may occur within the locality and has previously been recorded in the Little Dip Conservation Park. The nearest boundary of Little Dip Conservation Park is approximately 4.5km north of the northern boundary of the subject land and approximately five kilometres from the site of the development. Given the subject land contains similar coastal environmental characteristics as the Little Dip Conservation Park, it is likely that this informed the inclusion of parts of the subject land and the property to the north, within a Heritage Agreement for the conservation of the environment.

In undertaking the rehabilitation, conservation and rehabilitation of the subject land, our clients are gradually documenting species throughout both the area of the Heritage Agreement and the wider site. On the subject land, our clients have identified records of the Little Dip Spider Orchid within the Heritage Agreement area during October and November (spring being the only time the orchids are in flower). The area of the site identified is a narrow stretch of land valleyed between two-metre banks of a former road/track. Following identification of the Little Dip Spider Orchid our clients closed the road/track connecting the ridge and Cape roads to protect these plants. The location of the Little Dip Spider Orchid is shown on the image below and is well separated from the site of the proposed dwelling.



Approximate location of Little Dip Spider Orchid shown by blue arrow. The black line illustrates the boundary of the Heritage Agreement. Source – Dr Linda Hemphill



It is acknowledged that a referral to the Commonwealth Department of Environment and Energy pursuant to the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), may be required for the dwelling given the identification of the endangered Little Dip Spider Orchid on the subject land. This is however a separate and distinct approval from Development Approval under the *Development Act, 1993*.

Surveys undertaken by my client have not identified the site of the proposed dwelling as containing or being suitable habitat for the Little Dip Spider Orchid.

3.0 SUMMARY

The land use of a caretakers dwelling has previously been found to be appropriate. Amendment of the location of the proposed dwelling is considered to be appropriate in the locality, given:

- the size of the site (40 hectares) relative to the small size of the proposed dwelling (128 square metres);
- the setbacks from boundaries;
- the type and density of the vegetation on the proposed site versus the more sensitive area of the approved site;
- the location of the dwelling is outside of the Heritage Agreement area and the site of the endangered Little Dip Spider Orchid;
- it is sited on solid ground and appropriately separated from the sand dune blow out;
- the method of construction minimises cut and fill and impacts on the landform; and
- the undulating nature of the site minimises, and the existing vegetation minimises the visibility of the dwelling in a manner that would not have an unreasonable adverse impact on the character, amenity or scenic beauty of the locality.

Whilst the views of the Coast Protection Board are acknowledged, and the Council Assessment Panel must have regard to the referral response, for the reasons outlined in this correspondence, it continues to be our opinion that the proposed development is appropriately sited so as minimise impacts on vegetation and coastal features.

The proposed development sufficiently accords with the provisions of the Development Plan to warrant the granting of Development Plan Consent.

14216LET11a
District Council of Robe - 3.14.1



My client will be in attendance at the Council Assessment Panel meeting to answer questions relating to the proposed development. It would be appreciated if you could advise the date and time of the Panel meeting.

Should you require any additional information or clarification, please do not hesitate to contact the undersigned by phone on 8193 5600 or 0413 832 616 or email juliej@masterplan.com.au.

Yours sincerely

Julie Jansen
MasterPlan SA Pty Ltd

Enc: Amended Plan of access track.
Revegetation Plan
cc: Mr Thomas Egan and Dr Linda Hemphill
Tim Beazley, Planning Chambers



- Subject land
- Heritage agreement area
- Fire access track minimum 6 metres wide

Dwelling Location Plan
PROPOSED CARETAKERS DWELLING

at Cape Rabelais, 2082 Nora Creina Road
 NORA CREINA

for Thomas Egan and Linda Hemphill

Note: High Bushfire Risk Area – minimum 22,000 litres of water storage for fire fighting



1:4000 @ A3
 District Council of Robe 13.14.1

33 Carrington Street
 Adelaide SA 5000
 CAP Agenda 19 February 2018
 Tel: 08 8193 5600
 Fax: 08 8221 6001

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District Council of Robe

Council Assessment Panel

Minutes of the Council Assessment Panel Meeting held 19 February, 2019 commencing at 4.00pm at the District Council of Robe, Council Chambers, Royal Circus, Robe.

PRESENT

Mr Tim Rogers (Deputy Presiding Member), Cr Ned Wright (Elected Member), Mr Ernst Jury (Independent Member), Mr David Yates (Independent Member)

APOLOGY

Mr John Petch (Presiding Member) and Michelle Gibbs, Development Officer

IN ATTENDANCE

Tim Beazley (Planning Chambers)

IN GALLERY

Nil

WELCOME

Presiding Member, Mr Rogers welcomed everyone to the meeting.

The Deputy Presiding Member outlined the process of the Council's Assessment Panel (CAP) meeting to the members of the gallery, advising that the role of the CAP is to assess Development Applications against the planning provisions contained in Council's Development Plan.

The Deputy Presiding Member advised that the Representors and Owner would be invited to address CAP and answer any questions from Panel Members, and then there would be a closed section of the meeting, where the public is excluded, to discuss and consider the Application. The public gallery was advised that they could contact Council the next day and find out the outcome.

CONFIRMATION OF MINUTES

Mr Yates moved that the minutes of the CAP meeting held on the 19 December 2018, as circulated are confirmed as an accurate record of the proceedings of the meeting.

Seconded Mr Jury

Carried

CONFLICT OF INTEREST

Nil

LIST OF DELEGATED APPROVALS

Mr Wright moved that the list of Development approvals for the period 1.12.18 to 31.1.19 be received.

Seconded Mr Yates

Carried

DEVELOPMENT APPLICATION

Application No.	822/037/18
Applicant	T Egan and L Hemphill
Owner:	as above
Subject Land:	2082 Nora Creina Road, Nora Creina
Zone:	Coastal Conservation Zone
Proposal:	Detached dwelling and site office

Mr Wright moved that Development Application 822/037/18 for the relocation and redesign of a previously approved dwelling and the establishment of a transportable site office at 2082 Nora Creina Road, Nora Creina (Lot 2 in DP 24257) is not seriously at variance with the District Council of Robe Development Plan, consolidated 15 December 2016.

That the Council Assessment Panel seeks the concurrence of the State Commission Assessment Panel to grant Development Plan Consent to Development Application no. 822/037/18 for the relocation and redesign of a previously approved dwelling and the establishment of a transportable site office at 2082 Nora Creina Road, Nora Creina (Lot 2 in DP 24257) subject to the following conditions:

- 1 The Development shall be carried out in accordance with plan/s and details as approved by Council except where required to be varied by any condition of consent or where approval is sought from and granted by Council, for any variation.
- 2 All site works shall be carried out to the satisfaction of Council at all times during the construction process.
- 3 Full details and plans of the effluent disposal for the dwelling shall be provided to Council and approved prior to the issue of Development Approval.
- 4 Revegetation and conservation works shall be undertaken on the subject land as per the vegetation management plan (dated 22 May 2015) and a report shall be provided to Council 12 months after the issue of Development Approval and thereafter on a yearly basis for the following two years, outlining the progress of the works which shall occur in accordance with the schedule provided within Table 4 of the vegetation management plan.

CFS Conditions

ACCESS TO HABITABLE DWELLING

- 5 Access to the building site shall be of all-weather construction, with a minimum formed road surface width of **6** metres and must allow forward entry and exit for large fire-fighting vehicles. *This will provide a dual carriageway, negating the need for passing bays.*
- 6 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 a minimum internal radii of 9.5 metres.
- 7 Private access shall have minimum internal radii of 9.5 metres on all bends.
- 8 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.
- 9 Understorey vegetation either side of the access road shall be reduced to a maximum height of 10cm for a distance of 2 metres.

ACCESS TO DEDICATED WATER SUPPLY

- 10 The water supply outlet shall be easily accessible and clearly identifiable from the access way, that is a distance of no greater than 30 metres from the proposed habitable building. Stand-alone tanks shall be identified with the signage 'WATER FOR FIRE FIGHTING' and the tank capacity written in 100mm lettering on the side of each tank and repeated so that the sign is visible from all approaches to the tank. The sign shall be in fade-resistant lettering in a colour contrasting with that of the background (ie blue sign with white lettering.)
- 11 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.
- 12 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.
- 13 A gravity fed water supply outlet may be remotely located from the tank to provide adequate access.
- 14 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.
- 15 All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.

WATER SUPPLY

- 16 A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.
- 17 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.

- 18 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.
- 19 The water storage facility (and any support structure) shall be constructed of non-combustible material.
- 20 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.
- 21 The dedicated fire-fighting water supply pump shall be located at or adjacent to the habitable building to ensure occupants safety when operating the pump during a bushfire. An 'Operations Instruction Procedure' shall be located with the pump control panel.
- 22 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.
- 23 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
- 24 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.
- 25 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 habitable building).
- 26 All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- 27 All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- 28 All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
- 29 All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- 30 All fire-fighting hoses shall be readily available at all times.

VEGETATION

- 31 A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the habitable building (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 and must be separated by at least 1.5 times their mature height.
 - 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 habitable building (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.

Seconded Mr Jury

Carried

NEXT MEETING

The next CAP Meeting will be held on Tuesday, 19 March, 2019 in the District Council of Robe chambers, commencing at 4.00pm unless otherwise determined.

CLOSURE

Meeting closed at 5.10pm

_____ ASSESSMENT MANAGER

_____ PRESIDING MEMBER



DISTRICT COUNCIL OF ROBE ASSESSMENT PANEL

Notice of Meeting

Pursuant to Section 56 of the Development Act 1993 and Section 83 of the Local Government Act 1999, Notice is hereby given that a Meeting of the Assessment Panel will be held on **Wednesday, 19 February 2019 at 4.00pm** at the Council Chambers, Smillie Street, Robe.

A handwritten signature in blue ink that reads "D Dawson".

Damien Dawson
ASSESSMENT MANAGER

DISTRIBUTION LIST

Panel Members

Independent Members	John Petch (Presiding Member)
	Tim Rogers
	Ernst Jury
	David Yates
Elected Member	Ned Wright
Proxy Elected Member	Peter Riseley

Council Officer

Development Officer/Minute Taker – Michelle Gibbs
Planning Consultant – Damien Dawson, Planning Chambers

Please note: Report attachments are not included in this Agenda due to copyright laws. Report attachments are provided to members of the Development Assessment Panel to facilitate decision making.

DISTRICT COUNCIL OF ROBE

COUNCIL ASSESSMENT PANEL

ORDER OF BUSINESS

1. WELCOME
2. PRESENT
3. APOLOGIES
4. APPOINTMENT OF DEPUTY PRESIDING MEMBER
5. SCHEDULE OF MEETING DATES AND TIME
6. TERMS OF REFERENCE AND MEETING PROCEDURES
7. CONFIRMATION OF MINUTES
8. BUSINESS WITH NOTICE
9. CONFLICT OF INTEREST
10. LIST OF DELEGATED APPROVALS
11. EXCLUSION OF PUBLIC
12. DEVELOPMENT APPLICATIONS
13. CONCLUSION OF CLOSED MEETING
14. DEFERRED ITEMS
15. NEXT MEETING

1. **WELCOME**
2. **ATTENDANCE** – Tim Beazley (Planning Chambers)
3. **APOLOGY(S)** - John Petch and Michelle Gibbs (Development Officer)

4. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

_____ moved that the minutes of the CAP meeting held on 18 September 2018 as circulated are confirmed as an accurate record of the proceedings of the meeting

Seconded _____

5 **BUSINESS WITH NOTICE**

6. **CONFLICT OF INTEREST**

7. **LIST OF DELEGATED APPROVALS** (for 1.12.18 – 31.1.19)

DA No.	Applicant	Owner	Description	Location
822/011/14	J Hinge	IL & KP McDonnell	Two storey dwelling	3 Maddison Court
822/072/18	Hosking Willis Architecture	WW & HJ Tucker	Single Storey dwelling and carport	12 Elizabeth Street
822/087/18	GD Hunt	same	Farm shed	230 Sandy Lane
822/001/19	Integrity New Homes	A Domaschenz	Shed in association with dwelling	34 Sargent Close

Total estimated value of development cost = \$836,500 (not including Land Divisions)

Recommendation: That the list of Development Approvals be noted.

10. **EXCLUSION OF PUBLIC**

Moved _____ that the Panel resolves that it will exclude the public from attendance during that part of the meeting that consists of its discussion or determination by the Panel under Regulation 13 (2) (b) of the Planning, Development and Infrastructure (General) Regulations 2017.

Seconded _____

11. **DEVELOPMENT APPLICATIONS**

- 11.1 Application No. 822/037/18
 Applicant: T Egan & L Hemphill
 Owner: as above
 Subject Land 2082 Nora Creina

Proposal	Detached dwelling and site office
Zone	Coastal Conservation Zone
Land Use Category	Vacant
Public Notification	Non Complying - Category 3
Representations	One
Referrals	Coast Protection Board and CFS
Attachments:	DA Form and Certificate of Title Plans Statement of Effect - MasterPlan Statement of Representation – P & M Bishop Response to Representation Response from CPB Response from CFS Additional information - MasterPlan Vegetation Management Plan - MasterPlan

Julie Jansen, MasterPlan SA Pty Ltd & Thomas Egan will be present at the meeting.

12. CONCLUSION OF CLOSED MEETING

Moved _____ that the Panel resolves to conclude its exclusion of the public from attendance at the meeting under Regulation 13 (2) (b) of the Planning, Development and Infrastructure (General) Regulations 2017.

Seconded _____

13. DEFERRED ITEMS

14. NEXT MEETING

15. CLOSURE



Planning Chambers Pty Ltd

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Email admin@planningchambers.com.au
Fax 08 8212 5979

ABN 54 093 576 900

12 February 2019

822.037.18 DAP Report

The Chief Executive Officer
District Council of Robe
PO Box 1
ROBE, SA 5276

ATTENTION: Ms. Michelle Gibbs

Dear Michelle,

RE: DA 822/037/18 – RELOCATION AND REDESIGN OF PREVIOUSLY APPROVED DWELLING AND ESTABLISHMENT OF SITE OFFICE (NON-COMPLYING) LOT 2 IN DP 24257 NORA CREINA ROAD, NORA CREINA

As instructed, the following is a general planning assessment of the abovementioned development application.

In preparing this report I have reviewed the Council file on the application and familiarised myself with the subject land and relevant provisions of Council's Development Plan.

1.0 DEVELOPMENT DETAILS

Proposed Development:	Detached dwelling and site office
Development Application Number:	822/037/18
Applicant:	Mr. T Egan & Dr. L Hempill 13-19 Adeney Avenue Kew, VIC 3101
Owner:	Mr. T Egan & Dr. L Hempill 13-19 Adeney Avenue Kew, VIC 3101
Property Address:	2082 Nora Creina Road, Nora Creina Lot 2 in DP 24257
Certificate of Title:	Volume 5435 Folio 299
Land Use:	Vacant
Zone:	Coastal Conservation
Public Notification:	Category 3 (Non-Complying)



Application Lodged:	19 May 2017
Authorised Development Plan	Robe (DC), Consolidated 15 December 2016

2.0 BACKGROUND

The District Council of Robe granted Development Plan Consent to Development Application 822/100/14 for a 'detached dwelling' on the subject land identified as Lot 2 in DP 24257, Nora Creina Road, Nora Creina on 31 July 2015. The application was treated as a Non-Complying Category 3 development and statutory referral comments were provided by the Country Fire Service (CFS) and The Coastal Protection Board (CPB). Three extensions of time have been applied for by the applicant and granted by the Council (the last being received on 9 May 2018). DA 822/100/14 is still a valid and operable approval.

Since obtaining development plan consent the applicants have continued to undertake extensive work on the site in relation to the vegetation management. During the course of the vegetation improvement the applicant expressed a desire to revise the siting of the dwelling and to establish a site office to be used as a base of operations during the revegetation process.

On the 19 May 2017 the applicants lodged an application to vary the siting and design of the dwelling and to establish (retrospectively) a site office. Council's Development assessment consultant at the time Access Planning reviewed the documents and determined that a new non-complying Category 3 application would be required.

The appropriateness of a caretaker's dwelling on the site from a land use perspective has been determined by DA 822/100/14. The purpose of this assessment is to consider whether the revised siting and design of the new dwelling and the establishment of a site office are appropriate in terms of their visual and physical impacts in the context of the proposed locations.

3.0 PROCEDURAL ISSUES

The proposed development represents a non-complying form of development within the Coastal Conservation Zone as it proposes the construction of a dwelling.

Council has resolved to proceed with the assessment of the application pursuant to 17(3) of the Development Regulations 2008.

The applicants have furnished Council with a Statement of Effect pursuant to 17(5) of the Development Regulations 2008 and the application has undergone the statutory Category 3 public notification process.



This report provides a detailed assessment of the application. At this stage, if the Council Assessment Panel resolves to approve the application, concurrence of the State Commission Assessment Panel (SCAP) must be obtained. If the Council Assessment Panel resolves to refuse the application, the applicants have no appeal rights.

There are no assurances that the SCAP will concur, and if they do not, the application must be refused and the applicants will have no appeal rights to this decision.

If the SCAP does concur then Development Plan Consent can be granted by Council noting that third party (representor) appeal rights exist on a decision to approve the development with or without conditions.

4.0 SUBJECT LAND AND LOCALITY

The subject land is described in Certificate of Title Volume 5435 Folio 299 as being Allotment 2 in Deposited Plan 24257 and is not subject to any easements or endorsements. A copy of the Certificate of Title has been included with this report below.

The subject land is an irregular shaped allotment having a frontage to Nora Creina Road of approximately 530 metres and a frontage of some 703 metres to the coast. The land has an area of 40 hectares. Approximately 22 hectares of the land, predominately the western portion of the allotment, is subject to a heritage agreement as defined in GRO Plan 690/1987. A copy of the Heritage Agreement has been included with this report below.

The allotment is located approximately 300 metres to the north of the Nora Creina settlement.

The land is comprised of undulating foredunes which fall from northwest to southeast in the order of 10m; the land adjacent to Nora Creina Road being the lower, flatter section (although still undulating) rising to the dune peaks closer to the coast.

The land adjacent to Nora Creina Road appears to have been cleared of vegetation in the recent past and the application documents identify that the land has accommodated a horse training track which together with scattered farm buildings and grazing (long since stopped) formed the previous use of the land.

The land is heavily vegetated although dune blowouts are in evidence in the north western corner of the property.

Immediately north of the subject land is Allotment 5, which also contains part of the land covered by the Heritage Agreement. Allotment 5 contains a detached dwelling sited in close proximity to the northern boundary of the subject land.



The land to the immediate south is held within the Coastal Conservation zone and comprises vegetation sand dunes adjoining a small bay. The land to the north-east and east is zoned Primary Production and is generally cleared of vegetation and utilised for farming purposes.

The subject land and locality is more particularly depicted below in figures 1 and 2.

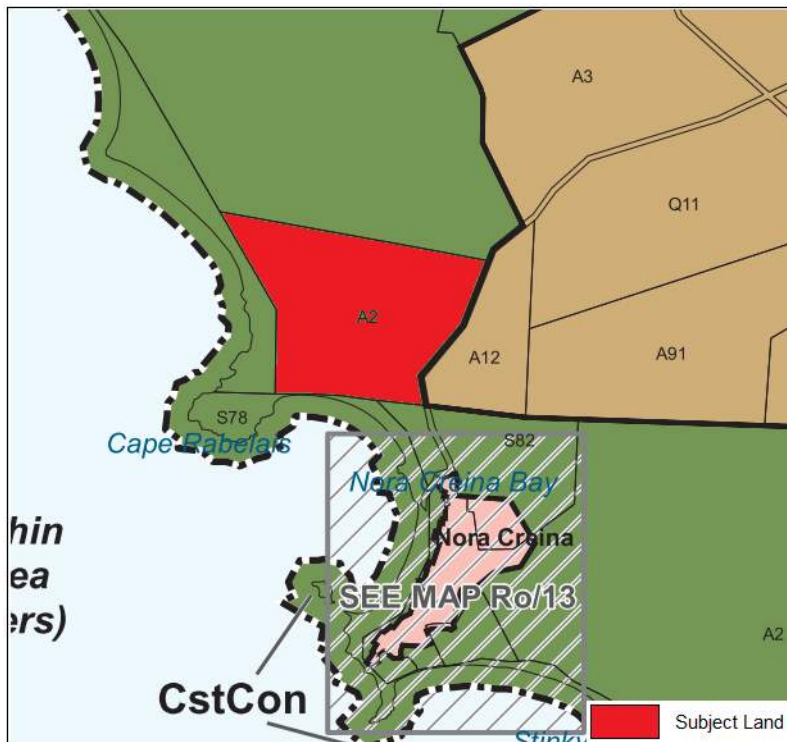


Figure 1: Zoning plan (Robe DC Development Plan Consolidated 15 December 2016)



5.0 PROPOSED DEVELOPMENT

The proposed development envisages the construction of a small scale modular dwelling and the establishment of a transportable site office (already on the site). The proposed dwelling will function as a caretaker's dwelling for the applicants who will reside on the subject land for extended periods of time during the revegetation and management of the land.

The proposed dwelling will be located approximately 20 metres outside of the designated heritage area. The proposed dwelling will be located approximately 420 metres from Nora Creina Road, and approximately 70 metres to the south west of the previously approved dwelling site.

The proposed dwelling will be of modular construction comprising three flat roofed pods with a return verandah. The building will have a total floor area of 128m² comprising living areas of 51m² and decks of 77m². The pods will be established on an elevated podium approximately 3 metres about natural ground level and the overall height to the roof of the dwelling will be 5.6 metres.

The external walls and roof of the dwelling will be clad in Alucobond sheeting and finished in the colour Champagne Metallic 503 which is a yellowish grey colour.

Access to the elevated modular pods will be provided via a spiral staircase within the northern eastern portion of the deck.

Two rainwater tanks with a total storage of 15,000 litres will be sited under the building for use in the dwelling and a further two tanks with a capacity of 22,000 litres to be provided for firefighting purposes will also be located under the dwelling.

Effluent disposal will be by way of Bio-cycle or similar treatment system allowing for re-use of the water on the land for irrigation.

Access to the land and dwelling will be via an existing track that will be upgraded to be all weather sealed and widened to 6m in width to negate the need for passing bays for emergency vehicles following advice from the CFS.

The proposed site office is a 6 metre x 3 metre transportable building which is located amongst two existing farm buildings approximately 120 metres from Nora Creina Road. The site office is not a dwelling and will simply provide a base of operations for the applicants and people assisting with the revegetation and management of the site.

A complete set of application plans have been attached.



6.0 PUBLIC NOTIFICATION

The proposed development is neither listed as a Category 1 or 2 form of development within the Coastal Conservation Zone or under Schedule 9 of the Development Regulations 2008. Accordingly, the application was advertised as a Category 3 form of development under Section 38 of the Development Act 1993.

Public notification took place between 19 September and 3 October 2018. The Council received one (1) representation during the notification period. The representor is listed in the table below.

Representations Received		
	Support / Oppose	Wish to be Heard
PR + MG Bishop Bishop Road MT GAMBIER SA 5290	Oppose	No

Copy of the public notice, submission received and the applicant's response have been attached below. The content of the representation and the applicant's response are summarised in the table below:

Summary of Representations	
Representation	Applicant's Response
<p><i>The proposed dwelling will be located on one of the highest points on this property. The dwelling will be clearly visible from 360 degrees (including beaches and the ocean). Native vegetation around the amended site is very low and will not screen or hide the structure. The proposed layout of the 3 pods and decking will cause the structure to appear larger than it actually is and will make it more noticeable. A visible building will compromise the pristine coastline.</i></p>	<p><i>Both the approved and proposed dwelling location is outside of the Heritage Agreement area (shown with green hatching). The sensitive coastal cliffs are located within the Heritage Agreement area.</i></p> <p><i>The proposed dwelling is located some 420 metres from Nora Creina Road, which is 20 metres further away than the approved dwelling. Between Nora Creina Road and the proposed site of the development is extensive vegetation, which is of various species and heights. The subject land and land adjoining has varied topography. Undulating topography in combination with vegetation would minimise visibility of the proposed dwelling and would not be visible for 360 degrees as asserted by the representor.</i></p> <p><i>As proposed, the dwelling is 128 square metres in area comprising three 'pods'. This total floor area is equivalent to the</i></p>



	<p><i>approved dwelling, which was 129 square metres in total. The deck does not add to the bulk or visual impact of these three pods (of 51 square metres), given the horizontal nature of the deck. The height of the pods is 2.6 metres (relative to the maximum height of the approved dwelling of 3.06 metres) and this is considered small in scale.</i></p> <p><i>It continues to be our opinion that the proposed dwelling is small in structure that has been carefully considered in terms of design and siting and construction methodology, to minimise its impact on the environment and the locality.</i></p>
<p><i>A 'Caretaker's cottage' suggests a simple, small dwelling in an out of site location. It is an elevated holiday house. A caretaker's cottage should be built near the existing sheds.</i></p>	<p><i>On behalf of our client, we have consistently referred to the proposed development as a caretakers dwelling, as that is the intended use of the dwelling. It is noted that as the planning authority, the District Council of Robe granted Development Plan Consent to Development Application 822/100/14 for a 'detached dwelling' on 31 July 2015. This consent remains current (given extensions of time in which to commence the development), for which this current application seeks to vary the location and built form of the 'dwelling'.</i></p> <p><i>Our clients are based in Melbourne and commute to the property to undertake environmental improvements. The development of a 'dwelling' will be utilised for accommodation purposes to continue to facilitate the improvement of the subject land and hence has been aptly described as a 'caretakers dwelling'.</i></p>
<p><i>The property was purchased with the buyers knowing that the building of a holiday house or permanent residence on the land would include severe restrictions because of the pristine nature of the area and the encumbrances placed on the land.</i></p>	<p><i>As stated previously, the existence of a Heritage Agreement over some 315 hectares of the total 408 hectare site, for the purposes of coastal conservation, was an attraction to our clients.</i></p> <p><i>The restrictions to the development of a dwelling on the site do not specifically relate to the Heritage Agreement, but</i></p>



	<p><i>rather the zoning of the land. The subject land is located within the Coastal Conservation Zone and a dwelling is a non-complying form of development in that zone. An assessment of the merits of developing a dwelling within the zone has previously been undertaken as part of the 2014 development application. It has been assessed by the planning authority that a dwelling warranted consent. That is to say, in 2015 Council as the planning authority determined that a dwelling was an appropriate form of development.</i></p> <p><i>It should be noted that the siting of the dwelling as proposed by this development application is outside of the area of the Heritage Agreement.</i></p>
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Visual Impact

Having reviewed the concerns raised by the representor and the response prepared by the applicant's planning consultant I am satisfied the proposed dwelling has been designed in such a way as to minimise potential issues relating to visual impact and amenity. While the proposed dwelling is sited in a more elevated position than the previously approved dwelling, any additional visual impact is considered to be mitigated for the following reasons:

- The proposed dwelling is to be sited approximately 420 metres from Nora Creina Road. The undulating topography of the subject land and surrounding locality in combination with extensive vegetation will assist in minimising the visibility of the dwelling;
- The proposed dwelling will have a maximum floor area including deck space of 128m² and a maximum height of approximately 5.6 metres. This is considered to be small scale in the context of the 408 hectare subject land and as such the dwelling is unlikely to be visually dominate in a manner that adversely impacts the character and visual amenity of the locality; and
- With a finished floor level of 20.5 AHD the dwelling is unlikely to be visible from anywhere but the northern aspect of the locality. The northern-western boundary of the subject land is approximately 1 km from the dwelling site and is separated by dunes and vegetation.



Description of the development

The previous development application (DA 822/100/14) for a detached dwelling was granted development plan consent on 31 July 2015. This current application is also for a detached dwelling. The appropriateness of a dwelling on the site in the context of the applicants commitment to revegetate and manage the land was determined as part of the previous application. The applicants have referred to a caretakers dwelling in the application documents as that is the intended purpose of the dwelling.

Restrictions to Development

The existence of a heritage agreement on the land for the purposes of coastal conservation was seen as an attraction to the applicants given their commitment to revegetating the site. The proposed dwelling is to be sited outside of the heritage agreement area. The appropriateness of a dwelling on the site in the context of the applicants intended management of the land was considered by Robe Council in 2014 as part of the previous development application. The dwelling was deemed to be of sufficient merit so as to warrant the granting of development plan consent.

7.0 REFERRALS – STATUTORY

Pursuant to Schedule 8 of the Development Regulations 2008 the application was referred to the Coast Protection Board and CFS. Comments received from above agencies are summarised as follows:

Coastal Protection Board

The planning authority is required to have regard to this response prior to making a decision on the proposal.

The Coastal Protection Board did not support the proposed application and recommended that the application be refused as the development:

- will result in a significant impact on native vegetation, thus impacting on local biodiversity values;
- will potentially exacerbate the instability of the existing sand dune system, through vegetation removal and as a result of site preparations (cut and fill);
- will place the development at an increased risk of sand dune instability and mobility; and
- does not satisfy the Board's criteria for coastal development outside of urban areas.

The applicants provided correspondence dated 7 December 2018 addressing the Coastal Protection Board comments and providing further rationale in support of the proposed development.

The applicants note that the planning authority must have regard to the advice of the Coastal Protection Board and that their advice is not a "direction" to refuse.



Notwithstanding the advice of the Coastal Protection Board the applicants maintain that the proposal sufficiently accords with the provisions of the Development Plan and should be granted Development Plan Consent for the following reasons:

- The size of the site (40 hectares) relative to the small size of the proposed dwelling (128 square metres);
- The setbacks from boundaries;
- The type and density of the vegetation on the proposed site versus the more sensitive area of the approved site;
- The location of the dwelling being outside of the Heritage Agreement area and the site of the endangered Little Dip Spider Orchid;
- It is sited on solid ground and appropriately separated from the sand dune blow out;
- The method of construction minimises cut and fill and impacts on the landform; and
- The undulating nature of the site and the existing vegetation minimises the visibility of the dwelling in a manner that would not have an unreasonable adverse impact on the character, amenity or scenic beauty of the locality.

Having review the advice provided by the Coastal Protection Board and the response provided by the applicants I am satisfied that the application have satisfactorily addressed the concerns outlined by the Coastal Protection Board.

A copy of the comments provided by the Coastal Protection Board and the applicants response have been included attached below.

CFS

The SA Country Fire Service has no objection in principle to the proposal to undertake residential development on the land identified as Lot 2 in Deposited Plan 24257.

In order for the proposed development to be deemed suitable, the SA CFS requests the mandatory conditions of the Minister's Code 2009 "Undertaking development in Bushfire Protection Areas (as amended October 2012) are addressed.

The CFS comments have been attached below and included as conditions as part of the recommendation below.

8.0 DEVELOPMENT ASSESSMENT

The subject land is located within the Coastal Conservation Zone as illustrated on Zone Map Ro/7 of Council's Development Plan.

In assessing the development proposal, I have had regard to the relevant Coastal Conservation Zone and General Provisions of the Development Plan, consolidated 15 December 2016.

Those provisions which are considered to be relevant to the proposal are as follows:



COASTAL CONSERVATION ZONE

Objectives: 1 & 3

PDCs: 1, 2, 3, 7, 8 & 9

COUNCIL WIDE PROVISIONS

Coastal Areas

Objectives: 1, 3, 5 & 8

Principles: 1, 3, 5, 6, 17 & 29

Design and Siting

Principles: 5 & 6

Hazards

Objectives: 5

Principles: 6, 7, 8, 9 & 11

Infrastructure

Principles: 1

Natural Resources

Objectives: 1, 8, 10 & 13

Principles: 1, 26, 27, 28, 32, 33 & 38

Orderly and Sustainable Development

Objectives: 3, 4 & 6

Principles: 1 & 2

Siting and Visibility

Objectives: 1

Principles: 1, 2, 3, 4, 5, 6, 7 & 8

Waste

Principles: 10

Coastal Conservation Zone

Objectives

- 1** *To enhance and conserve the natural features of the coast including visual amenity, landforms, fauna and flora.*
- 3** *Development that contributes to the desired character of the zone.*



Desired Character

Land in the zone will be retained in a natural state with protection of coastal dunes, cliffs, geological features and associated native vegetation being paramount. Agricultural activity will be limited to existing cleared areas and cliff tops and sand dunes will be excluded from development.

Principles of Development Control

Landuse

- 1** *The following forms of development are envisaged in the zone*
 - *Conservation work*
 - *Interpretive signage and facility*
 - *Small scale tourism/visitor facility(excluding accommodation)*
- 2** *Development listed as non-complying is generally inappropriate.*
- 3** *Buildings and structures should mainly be for essential purposes, such as shelters and toilet facilities associated with public recreation, navigation purposes or necessary minor public works.*

Form and Character

- 7** *Development should not be undertaken unless it is consistent with the desired character for the zone.*
- 8** *Development should be designed and sited to be compatible with conservation and enhancement of the coastal environment and scenic beauty of the zone.*
- 9** *Development should:*
 - (a)** *Not adversely impact on the ability to maintain the coastal frontage in a stable and natural condition and, in any case, should be setback at least 100 metres from the coastal frontage*
 - (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.*

Summary

The overall intent of the Coastal Conservation Zone is to conserve the natural character and features of the coastal area.

As a result, development envisaged in the zone is limited to conservation work, interpretive signage and facilities and small-scale tourism/visitor facilities (excluding accommodation).



Whilst development is restricted in the zone, it is noted that the subject land is located on the outskirts of Nora Creina shack settlement and thus is in an area that is already built up to such a degree that some of its natural character has already been lost.

Notwithstanding the above, the desired character and Principles 8 and 9 require development within the zone to be designed and sited to minimise its impacts on the coastal environment and natural character.

The proposed development is considered to be consistent with the above, as:

- The proposed dwelling and site office will provide a base for the applicants and their volunteers to assist in their endeavours to revegetate and manage the subject land accordance with Objective 1 of the zone;
- The dwelling and its amended location continues to be situated outside of the Heritage Agreement Area;
- The proposed dwelling will have a total floor area of 128m² which is considered to be small scale particularly in the context of the subject land totalling 40 hectares;
- The proposed dwelling site is degraded by unchecked motorbike and motor-cross riding;
- The undulating nature of the site and the existing vegetation minimises the visibility of the dwelling in a manner that would not have an unreasonable adverse impact on the character, amenity or scenic beauty of the locality;
- The views of the dwelling in its amended position will be limited given the setbacks to public roads and other dwellings;
- The proposed dwelling site is at a lower elevation than the hill/headland to the south-west of the proposed site, which shields views from the Cape Rabelais walkway;
- The building will be clad with non-reflective material to be coloured in a natural muted tone to assist it blend in with the natural landscape; and
- The proposed transportable site office is capable of being removed from the subject land once revegetation and site management is complete.

The intent to undertake conservation works on the property as outlined in the application documents is consistent with the intent of the zone and those general Natural Resources provisions of the Development Plan relating to the retention and preservation of native vegetation.

It is noted that the proposed conservation works form a critical aspect to the merits of the proposed non-complying development. To ensure that this element of the proposal proceeds, it is recommended that the condition of consent (previously imposed on DA 822/100/14) that requires the applicant to update the Council on the progress of the revegetation and land management works on a regular basis be imposed on any new development plan consent granted.



With regard to the above, whilst not envisaged in zone, the proposal is generally consistent with the relevant zone provisions and does not offend the overall intent of the zone, particularly where the development intends to provide some environmental outcomes associated with the management and revegetation of the land.

Council Wide Provisions

Coastal Areas

Objectives

- 1** *The protection and enhancement of the natural coastal environment, including environmentally important features of coastal areas such as mangroves, wetlands, sand dunes, cliff tops, native vegetation, wildlife habitat shore and estuarine areas.*
- 3** *Preservation of areas of high landscape and amenity value including stands of vegetation, shores, exposed cliffs, headlands, islands and hill tops, and areas which form an attractive background to urban and tourist areas.*
- 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.*
- 8** *Management of development in coastal areas to sustain or enhance the remaining natural coastal environment.*

Principles of Development Control

- 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.*

Environmental Protection

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



Hazard Risk Minimisation

- 17** *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.*

Development in Appropriate Locations

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

Summary

The application was referred to the Coast Protection Board in accordance with Section 37 of the Development Act 1993.

The Board assessed the development with respect to the following issues:

- Coastal Flooding;
- Coastal Erosion;
- Native Vegetation and Coastal Biodiversity;
- Orderly Development; and
- Coastal Amenity.

The Coastal Protection Board recommended that the application be refused as the proposed development:

- will result in a significant impact on native vegetation, thus impacting on local biodiversity values;
- will potentially exacerbate the instability of the existing sand dune system, through vegetation removal and as a result of site preparations (cut and fill);
- will place the development at an increased risk of sand dune instability and mobility; and
- does not satisfy the Board's criteria for coastal development outside of urban areas.

The applicant in a response to the comments provided by the Coastal Protection Board stated that the proposal sufficiently accords with the provisions of the Development Plan and should be granted Development Plan Consent for the following reasons:

- The size of the site (40 hectares) relative to the small size of the proposed dwelling (128 square metres);
- The setbacks from boundaries;
- The type and density of the vegetation on the proposed site versus the more sensitive area of the approved site;
- The location of the dwelling is outside of the Heritage Agreement area and the site of the endangered Little Dip Spider Orchid;
- It is sited on solid ground and appropriately separated from the sand dune blow out;



- The method of construction minimises cut and fill and impacts on the landform; and
- The undulating nature of the site and the existing vegetation minimises the visibility of the dwelling in a manner that would not have an unreasonable adverse impact on the character, amenity or scenic beauty of the locality.

Having reviewed both the comments provided by the Coastal Protection Board and the response provided by the applicant I am of the opinion that the proposed development is consistent with the above-mentioned Coastal Area provisions.

The proposed dwelling and site office will be sited outside of the portion of the land within the Heritage Agreement.

The applicants intend to revegetate and regenerate significantly degraded portions of the land located outside the Heritage Agreement, which is likely to have a positive impact on the heritage area by minimising the spread of pest plants and animals.

The proposed dwelling and site office will provide a base for the applicants in their intentions to protect and enhance the natural coastal environment.

Design and Appearance

Principles of Development Control

- 5** *Transportable buildings and buildings which are elevated on stumps, posts, piers, columns or the like, should have their suspended footings enclosed around the perimeter of the building with brickwork or timber, and the use of verandas, pergolas and other suitable architectural detailing to give the appearance of a permanent structure.*
- 6** *The external walls and roofs of buildings should not incorporate highlight reflective materials which will result in glare to neighbouring properties.*

Summary

Design and Siting Principle 5 recommends that buildings which are elevated by posts should have their suspended footing enclosed.

Whilst this principle is noted, it is not considered to be necessary in relation to the proposed development, as the dwelling, particularly the lower section, will not be highly visible from outside of the property due to the undulating topography the extensive vegetation of the subject land and locality.

In addition, the area under the proposed dwelling is to be used for the storage of water tanks, including a dedicated supply for fire fighting which requires unimpeded access, and other domestic items. Utilising the area under the dwelling as proposed will assist to reduce the footprint of the development which is considered a positive outcome given the natural characteristics of the property.

The materials and finishes for both the proposed dwelling and transportable site office have been provided by the applicant in the supporting documentation. They are



finished in non-reflective materials which will assist in reducing glare to neighbouring properties.

Hazards

Objectives

- 5** *Development located to minimise the threat and impact of bushfires on life and property*

Principles of Development Control

Bushfire

- 6** *The following bushfire protection principles of development control apply to development of land identified as General, Medium and High bushfire risk areas as shown on the Bushfire Protection Area BPA Maps - Bushfire Risk.*
- 7** *Development in a Bushfire Protection Area should be in accordance with those provisions of the Minister's Code: Undertaking development in Bushfire Protection Areas that are designated as mandatory for Development Plan Consent purposes.*
- 8** *Buildings and structures should be located away from areas that pose an unacceptable bushfire risk as a result of one or more of the following:*
- (a) Vegetation cover comprising trees and/or shrubs*
 - (b) Poor Access*
 - (c) Rugged terrain*
 - (d) Inability to provide an adequate building protection zone*
 - (e) Inability to provide an adequate supply of water for fire fighting purposes*
- 9** *Residential, tourist accommodation and other habitable buildings should:*
- (a) Be sited on the flatter portion of allotments and avoid steep slopes, especially upper slopes, narrow ridge crests and the tops of narrow gullies, and slopes with a northerly or westerly aspect*
 - (b) Be sited in areas with low bushfire hazard vegetation and set back at least 20 metres from existing hazardous vegetation*
 - (c) Have a dedicated and accessible water supply available at all times for fire fighting.*
- 11** *Buildings and structures should be designed and configured to reduce the impact of bushfire through using simple designs that reduce the potential for trapping burning debris against the building or structure, or between the ground and building floor level in the case of transportable buildings.*

Summary

The subject land is located within a high bushfire risk area as identified on Bushfire Protection Area Map Ro/5

The CFS were consulted as part of the assessment process and did not raise any objections in principle to the proposed development with respects to bushfire risk,



subject to the adoption of a number of conditions which are proposed to be attached to the consent.

I note that the comments from the CFS and proposed conditions largely consider and address the abovementioned Hazards provisions.

Siting and Visibility

Objectives

- 1** *Protection of scenically attractive areas, particularly natural, rural and coastal landscapes.*

Principles of Development Control

- 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*
- 2** *Buildings should be sited in unobtrusive locations and, in particular, should:*
 - (a)** *Be grouped together*
 - (b)** *Where possible be located in such a way as to be screened by existing vegetation when viewed from public roads*
- 3** *Buildings outside of urban areas and in undulating landscapes should be sited in unobtrusive locations and in particular should be:*
 - (a)** *Sited below the ridgeline*
 - (b)** *Sited within valleys or behind spurs*
 - (c)** *Sited in such a way as to not be visible against the skyline when viewed from public roads*
 - (d)** *Set well back from public roads, particularly when the allotment is on the high side of the road.*
- 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 roof lines 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.*
- 5** *The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.*
- 6** *The number of buildings and structures on land outside of urban areas should be limited to that necessary for the efficient management of the land.*



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

Summary

The primary objective of the Council Wide Siting and Visibility provisions seeks the protection of scenically attractive areas, particularly natural, rural and coastal landscapes.

It is acknowledged that the proposed dwelling is to be located in a more elevation location than the previously approved dwelling. However the proposed site is considered to be more appropriate given that it has been subject to unchecked damage from motorbike and cross riding. The proposed site is also located away from more sensitive, rarer and long-lived native flora that was present at the previously approved dwelling site.

The visual impact of the proposed dwelling and site office is considered to be mitigated for the following reasons:

- The dwelling will have a total floor area of 128m² and is considered to be small scale in the context of the 40 hectare subject land;
- The dwelling will be sited away from the boundaries of the subject land and public walkways and roads;
- The rainwater tanks and solar electrical plant equipment will be located under the dwelling to decrease the foot print of the development;
- The dwelling will be clad in non-reflective materials in muted natural colours and tones to assist the dwelling with blending in with the natural environment;
- The transportable site office will be sited away from sensitive flora and amongst existing farm buildings on the site; and
- The transportable site office is capable of being removed from the site once revegetation and management of the site is complete.

For these reasons outlined above the proposed development is considered to accord with the Siting and Visibility provisions of the Development Plan.



9.0 CONCLUSION

Having regard to the above assessment of the proposed development against the relevant provisions of the District Council of Robe Development Plan, I consider that the proposed dwelling is an appropriate form of development, as the proposal:

- Is designed and sited so that it does not impact on coastal features or visual amenity of the locality;
- Will provide some environmental outcomes associated with the management and revegetation of the land; and
- Adequately addresses all bushfire requirements.

10.0 RECOMMENDATION

That Development Application 822/037/18 for the relocation and redesign of a previously approved dwelling and the establishment of a transportable site office at 2082 Nora Creina Road, Nora Creina (lot 2 in DP 24257) is not seriously at variance with the District Council of Robe Development Plan, Consolidated 15 December 2016.

That the Council Assessment Panel seek the concurrence of the State Commission Assessment Panel to **grant** Development Plan Consent to Development Application 822/037/18 for the relocation and redesign of a previously approved dwelling and the establishment of a transportable site office 2082 Nora Creina Road, Nora Creina (lot 2 in DP 24257) subject to the following conditions:

- 1 The Development shall be carried out in accordance with plan/s and details as approved by Council except where required to be varied by any condition of consent or where approval is sought from and granted by Council, for any variation.
- 2 All site works shall be carried out to the satisfaction of Council at all times during the construction process.
- 3 Full details and plans of the effluent disposal for the dwelling shall be provided to Council and approved prior to the issue of Development Approval.
- 4 Revegetation and conservation works shall be undertaken on the subject land as per the vegetation management plan (dated 22 May 2015) and a report shall be provided to Council 12 months after the issue of Development Approval and thereafter on a yearly basis for the following two years, outlining the progress of the works which shall occur in accordance with the schedule provided within Table 4 of the vegetation management plan.



CFS Conditions

ACCESS TO HABITABLE DWELLING

- 5 Access to the building site shall be of all-weather construction, with a minimum formed road surface width of **6** metres and must allow forward entry and exit for large fire-fighting vehicles. *This will provide a dual carriageway, negating the need for passing bays.*
- 6 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 a minimum internal radii of 9.5 metres.
- 7 Private access shall have minimum internal radii of 9.5 metres on all bends.
- 8 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.
- 9 Understorey vegetation either side of the access road shall be reduced to a maximum height of 10cm for a distance of 2 metres.

ACCESS TO DEDICATED WATER SUPPLY

- 10 The water supply outlet shall be easily accessible and clearly identifiable from the access way, that is a distance of no greater than 30 metres from the proposed habitable building. Stand-alone tanks shall be identified with the signage 'WATER FOR FIRE FIGHTING' and the tank capacity written in 100mm lettering on the side of each tank and repeated so that the sign is visible from all approaches to the tank. The sign shall be in fade-resistant lettering in a colour contrasting with that of the background (ie blue sign with white lettering.)
- 11 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.
- 12 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.
- 13 A gravity fed water supply outlet may be remotely located from the tank to provide adequate access.



- 14 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.
- 15 All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.

WATER SUPPLY

- 16 A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.
- 17 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.
- 18 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.
- 19 The water storage facility (and any support structure) shall be constructed of non-combustible material.
- 20 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.
- 21 The dedicated fire-fighting water supply pump shall be located at or adjacent to the habitable building to ensure occupants safety when operating the pump during a bushfire. An 'Operations Instruction Procedure' shall be located with the pump control panel.
- 22 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.
- 23 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



- 24 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.
- 25 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 habitable building).
- 26 All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- 27 All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- 28 All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
- 29 All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- 30 All fire-fighting hoses shall be readily available at all times.

VEGETATION

- 31 A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the habitable building (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 and must be separated by at least 1.5 times their mature height.



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 habitable building (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.

Should you require any further details or clarification please contact the undersigned on phone (08) 8211 9776.

Yours sincerely

Planning Chambers Pty Ltd

Tim Beazley MPIA
Consultant Planner

Development Application Form

Development Act 1993

District Council of Robe
 Royal Circus
 Robe SA 5276
 Tel 08 87682003
 Fax 08 87682432
 Email council@robe.sa.gov.au
 Website www.council.robe.sa.gov.au



Development Number: 822/ / Previous development number: 822/ 100 / 14

Application type (please tick one box only)

Planning consent only Building Rules consent only Full Development Approval

Location of proposed development:

House no: 2082 Lot No: 2 Street: Nora Creina Road
 Hundred: Waterhouse Volume: 5435 Folio: 299

Details of parties:

Applicant: Mr Thomas Egan and Dr Linda Hemphill

Address: 13-19 Adeney Avenue, Kew, Victoria P/code: 3101

Mobile: Phone: 03 9817 3666 Email: thomas@ozelawyers.com

Owner: As above

Address: P/code:

Mobile: Phone: Email:

Builder: Harwyn Pods

Address: P/code:

Mobile: Phone: Email:

Principal contact: Applicant Owner Builder

Description of proposed development:

Description of proposed development – (eg. Dwelling, shed, shop, demolition)

Variation to siting and design of approved caretakers dwelling

Development costs: (does not include any fit out costs): \$ 250,000 Floor area: 128 m²
 Note: Council may require written justification to verify costs.

Declarations:

a. Building rules:- Classification sought <input type="checkbox"/> Present class <input type="checkbox"/>		
b. If class 5, 6, 7, 8 or 9 is sought state the proposed no. of employees	Male	Female
c. If class 9a classification is sought, state the number of persons for whom accommodation is provided		
d. If class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises:		
e. Does either Schedule 21 or 22 of the Development Regulations 2008 apply?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
f. Has the Construction Industry Training Fund Act Levy been paid:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Acknowledgment/Authorisation:

I acknowledge that copies of this application and support documentation may be provided to interested persons in accordance with the *Development Act 1993* and *Regulations 2008*.

Name: Thomas Egan Signature:

Owner/ Applicant/Builder (Delete whichever does not apply) Date: 18 / 05 / 2017



Government
of South Australia

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

To: District Council of Robe

From: Mr Thomas Egan and Dr Linda Hemphill

Date of Application: 18 05 / 2017

Location of Proposed Development: _____

House No: 2082 Lot No: 2 Street: Nora Creina Road

Town/Suburb: Nora Creina

Section No (full/part): _____ Hundred: Waterhouse

Volume: 5435 Folio: 299

Nature of Proposed Development: Variation to siting and design of approved caretakers dwelling

I Thomas Egan 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: 18, 5, 2017



**Government
of South Australia**

Note 1

This declaration is only relevant to those development applications seeking authorisation for a form of development that involves the construction of a building (there is a definition of 'building' contained in section 4(1) of the Development Act 1993), other than where the development is limited to –

- a) an internal alteration of a building; or
- b) an alteration to the walls of a building but not so as to alter the shape of the building.

Note 2

The requirements of section 86 of the Electricity Act 1996 do not apply in relation to:

- a) an aerial line and a fence, sign or notice that is less than 2.0 m in height and is not designed for a person to stand on; or
- b) a service line installed specifically to supply electricity to the building or structure by the operator of the transmission or distribution network from which the electricity is being supplied.

Note 3

Section 86 of the Electricity Act 1996 refers to the erection of buildings in proximity to powerlines. The regulations under this Act prescribe minimum safe clearance distances that must be complied with.

Note 4

The majority of applications will not have any powerline issues, as normal residential setbacks often cause the building to comply with the prescribed powerline clearance distances. Buildings/renovations located far away from powerlines, for example towards the back of properties, will usually also comply.

Particular care needs to be taken where high voltage powerlines exist, or where the development:

- is on a major road;
- commercial/industrial in nature; or
- built to the property boundary.

Note 5

An information brochure: 'Building Safely Near Powerlines' has been prepared by the Technical Regulator to assist applicants and other interested persons.

This brochure is available from council and the Office of the Technical Regulator. The brochure and other relevant information can also be found at sa.gov.au/energy/powerlinesafety

Note 6

In cases where applicants have obtained a written approval from the Technical Regulator to build the development specified above in its current form within the prescribed clearance distances, the applicant is able to sign the form.



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5435 Folio 299

Parent Title(s) CT 4330/857
Creating Dealing(s) CONVERTED TITLE
Title Issued 16/07/1997 **Edition** 4 **Edition Issued** 09/02/2016

Estate Type

FEE SIMPLE

Registered Proprietor

THOMAS FRANCIS EGAN
OF 13-19 ADENEY AVENUE KEW VIC 3101

Description of Land

ALLOTMENT 2 DEPOSITED PLAN 24257
IN THE AREA NAMED NORA CREINA
HUNDRED OF WATERHOUSE

Easements

NIL

Schedule of Dealings

Dealing Number	Description
6519022	HERITAGE AGREEMENT PURSUANT TO SOUTH AUSTRALIAN HERITAGE ACT, 1978 OF PORTION
12388773	MORTGAGE TO FLORENCE ELIZABETH EGAN

Notations

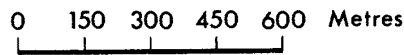
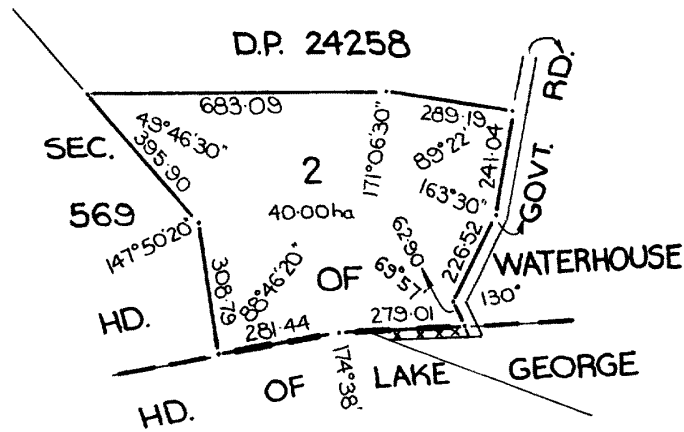
Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL

Registrar-General's Notes

PLAN FOR HERITAGE AGREEMENT PURPOSES VIDE G690/1987

Administrative Interests

NATIVE VEGETATION HERITAGE AGREEMENT HA 177



PREFIX

A 114

6519022



REGISTRAR-GENERAL'S OFFICE SOUTH AUSTRALIA

FORM APPROVED BY THE REGISTRAR-GENERAL

CERTIFIED CORRECT FOR THE PURPOSES OF THE REAL PROPERTY ACT, 1986, AS AMENDED (SIGNED)

Solicitor/Licensed Land Broker JOHN W. FENN

SERIES NO. TO BE COMPLETED BY AGENT

Table with columns for FEES, R.G.O., POSTAGE, ADVERTISING, NEW C.T. TO ISSUE and TIME. Includes handwritten date 21 APR 1988 and time 14.10.

OFFICE NOTES:



GRO Plan 690/1987 Dap. Road Plan 8715 affects CT Road Plan

BELOW THIS LINE FOR OFFICE USE ONLY

EXAMINATION

Table for examination with columns for CORRECTION, PASSED, O.D.R. No., REFERRED, RETURNED, EXAMINER'S INITIAL, and LOTS No.

REGISTERED ON 26.7.1988 AT 15:00AM/PM BY ENTRY OF A MEMORIAL OF THIS INSTRUMENT IN THE REGISTER BOOK. VOL. 4261 FOLIO 776

Memorial pro.



BELOW THIS LINE FOR AGENT USE ONLY

Lodged by: Address: Crown Solicitors Office S.G.I.C. Building 211 Victoria Square Adelaide

Correction to CSOL

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

- List of items lodged with instrument, including A.G. 4261/776. Includes Received items No. Assessor signature.

PLEASE ISSUE NEW CERTIFICATES OF TITLE AS FOLLOWS

- Blank list for issuing new certificates of title.

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

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

Main table with columns for ITEM, AGENT/RGO BOX No, DELIVERY DATE, *POSTAGE DATE, INITIALS, ITEM: CT/CL REF, AGENT'S NAME, AGENT/RGO BOX NO, and POSTAL ADDRESS.

*FILL OUT POSTAGE DATE ONLY IF ITEMS ARE RETURNED BY CERTIFIED MAIL District Council of Robe - 3.14.1

CAP Agenda 9 February 2019

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

AGENT'S INITIALS

NVMB 1036/86 TCI JFA.



GP 690/1987

PLAN TO SUPERSEDE GP 510/1987

HUNDRED OF LAKE GEORGE
SECTION 82
HUNDRED OF WATERHOUSE
SECTIONS 120 AND 325

Registered Proprietor A.R. & J.M. Cullen

Pt. Certificate of Title Vol. 4261 Fol. 776

Scale 1:10 000

The delineation of the heritage area shown hereon was determined by the use of Department of Lands aerial photo 5vy.2018 No. 62

I certify that

1. The area marked A on this plan is contained within section 120
2. The boundary of the area marked A can be redefined by survey

Philippe
27.11.87
SURVEYOR GENERAL

Area marked A is for Heritage Agreement Purposes

SCHEDULE OF COORDINATES		
Mark No.	AMG coordinates	Nature (Description) of mark
1	397730 E 5868943 N	prick
2	397717 E 5868952 N	prick
3	397585 E 5868948 N	prick
4	397782 E 5869144 N	prick
5	397889 E 5869294 N	prick
6	397979 E 5869561 N	prick
7		pop for line only to Estn. bdy 120
8		pop for line only to S.E. bdy 120

Department of Environment and Planning		
Index No. 12077	PLAN FOR HERITAGE AGREEMENT	Officer L. GOULDING
Scale 1:10 000		Checked G. HARRIS
Completed 16/11/87		Manager A. MERCHANT

2 DEC 1987

Insert type of document here.....

APPLICATION TO REGISTER HERITAGE AGREEMENT

BLANK INSTRUMENT FORM (see footnote)

MINISTER FOR ENVIRONMENT AND PLANNING of 55 Grenfell Street Adelaide, 5000 in the State of South Australia HEREBY APPLIES pursuant to Section 26a of the South Australian Heritage Act, 1978-1980 to register the fact that the Heritage Agreement attached hereto made the 5th day of April 1988 BETWEEN ALLAN RICHARD CULLEN, Fisherman and Grazier, and JOAN MABEL CULLEN his wife both care of P.O. Box 124, Robe 5276 in the State of South Australia, the registered proprietor of an estate in Fee Simple ("the Owner") and the Minister for Environment and Planning ("the Minister") has come into force in respect of that portion of the land comprised in Land Grant Register Book Volume 4261, Folio 776, more particularly defined as Area "A" in G.R.O. Plan G.P. 690/1987.

DATED 5th day of APRIL 1988

SIGNED and SEALED by the)
)
MINISTER FOR ENVIRONMENT AND)
PLANNING)

in the presence of:

[Handwritten signature]

[Handwritten signature]

-20-

MEMORANDUM OF AGREEMENT made the 5 day of April 1988

B E T W E E N : MINISTER FOR ENVIRONMENT AND PLANNING (hereinafter called "the Minister") of the one part and ALLAN RICHARD CULLEN, Fisherman and Grazier, and JOAN MABEL CULLEN his wife, both care of P.O. Box 124, ROBE 5276 in the State of South Australia (hereinafter called "the Owner") of the other part.

RECITALS

P3 COMMISSIONER OF STAMPS
S.A. STAMP DUTY
20/04/88 158203 01:19
\$0.20

- A. The Owner is the Owner of that piece of land containing 408.65 hectares being Section 82 in the Hundred of LAKE GEORGE, County of GREY, and Sections 120 and 325 in the Hundred of WATERHOUSE, County of ROBE, and being the whole of the land comprised in Land Grant Register Book Volume 4261, Folio 776.
- B. The Owner has, pursuant to the Native Vegetation Management Act, 1985, required the Minister to enter into this agreement in respect of that piece of land containing 315 hectares or thereabouts being that portion of land referred to in Recital A as is delineated as "A" in GRO Plan ⁶⁹⁰~~689~~/1987 a copy whereof is attached to this agreement.

NOW IT IS AGREED as follows:

- 1. In this agreement, unless the contrary intention appears -
 - (1) "native fauna" means an animal or animals of a species indigenous to South Australia: -

"Owner" means the person who has executed this agreement as owner of the subject land and includes a person to whom ownership of the land and the rights and liabilities under this agreement have passed:

"the subject land" means the land that is subject to this agreement;
 - (2) terms defined in the Native Vegetation Management Act, 1985, have the meanings defined in that Act.

2. This agreement shall commence on the date hereof.

3. During the term of this agreement the subject land 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.
4. The Owner shall not, without the written consent of the Minister, undertake or permit on the subject land -
- (1) the clearance of native vegetation;
 - (2) the planting of vegetation, whether native or exotic;
 - (3) the construction of a building or other structure;
 - (4) the grazing of stock;
 - (5) any other activity that, in the opinion of the Minister, is likely to damage, injure or endanger the native vegetation or native fauna on the subject land.
5. The owner shall comply with the National Parks and Wildlife Act, 1972, the Native Vegetation Management Act, 1985, the Pest Plants Act, 1975, the Vertebrate pests Act, 1975, and all other Acts and statutory instruments from time to time in force in relation to the subject land.
6. The Owner shall give written notice to the Minister of -
- (1) (a) any damage to, or destruction of, native vegetation or native fauna on the subject land or the removal of any native vegetation or native fauna from the subject land;
 - (b) any activity on the subject land that is likely, in the Owner's opinion, to result in damage, destruction or removal referred to in paragraph (a) of this sub-clause;
 - (2) any change in ownership of the subject land,
- as soon as practicable after first becoming aware of the matter to which the notice relates.

7. (1) Subject to this clause, the Owner is released from the payment of
- (a) rates and taxes (including council rates) in respect of the subject land during the term of this agreement;
 - (b) council rates in respect of the subject land in the second rating year next following the commencement of this Agreement and thereafter until the termination of the Agreement;
- (2) The Owner is not released from the payment of rates and taxes in relation to land that, in the opinion of the Minister after receiving advice from the Authority -
- (a) is used for primary production or for any other commercial purpose;
 - (b) comprises a dwelling and curtilage.
8. (1) The Minister may, at any time and at the Minister's expense
- (a) construct or replace fences on the boundaries, or through any part of, the subject land,
- or
- (b) perform on those fences all major repair work required as the result of damage by fire;
- (2) The Owner shall, at the Owner's expense and to the satisfaction of the Minister, perform all other necessary maintenance and repair work on all fences (whether constructed by the Minister or not) on the boundaries or on any other part of the subject land.
9. The Minister and any employee or agent of the Minister authorized by the Minister may, at any reasonable time -
- (1) enter the subject land for the purpose of -

- (a) constructing any fence on the land;
- (b) inspecting the land or any fence on the land;
- (c) exercising any other powers of the Minister under this agreement;

(2) obtain access to the subject land across land of the Owner for the purposes referred to in sub-clause (1) hereof.

10. If the Owner is in breach of this agreement the Minister may, by notice in writing served on the Owner, require the Owner to remedy the breach and if the Owner fails to do so, the aggregate value of the rates and taxes from the payment of which the Owner (and every predecessor in title of the Owner) has been relieved by virtue of this agreement must be paid by the Owner to the appropriate rating or taxing authority.

11. The Minister may delegate any of the Minister's powers under this agreement to any person.

12. This agreement may not be varied except in writing signed by the parties.

13. An act or omission based on a genuine mistake as to the boundaries of the subject land shall not constitute a breach of this agreement.

14. This agreement remains in force until terminated by the parties.

15. Notice shall, for the purpose of this agreement, be properly served on the Owner if it is -

(1) posted to the Owner at the Owner's last address known to the Minister;

or

(2) fixed in a prominent position on the subject land.

SIGNED and SEALED by the)
MINISTER FOR ENVIRONMENT)
AND PLANNING)

[Handwritten signature: D. Hopgood]
.....

in the presence of:)

[Handwritten signature]
.....
(Witness)

SIGNED by the Owners)
ALLAN RICHARD CULLEN)
and)
JOAN MABEL CULLEN)

[Handwritten signature: A.R. Cullen]
.....
[Handwritten signature: J.M. Cullen]
.....

in the presence of:)

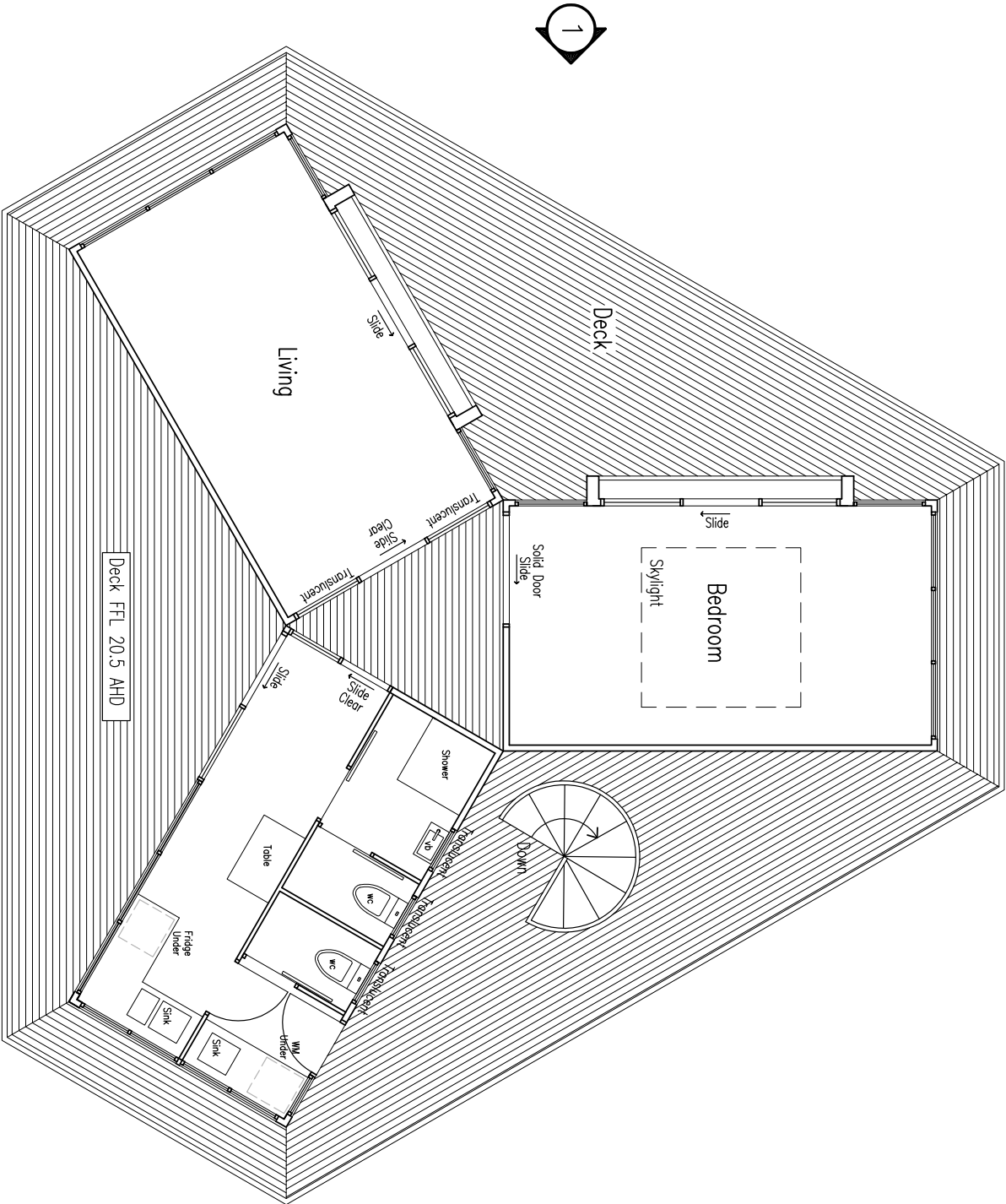
[Handwritten signature]
.....
(Witness)

I, DONALD JACK HOPGOOD, the Minister for Environment and Planning
CERTIFY pursuant to Section 16d of the South Australian Heritage Act,
1978-1980, that this agreement conforms with that Act.

DATED this 5th day of APRIL 1988.

[Handwritten signature: D. Hopgood]
.....

Min. 1000 High Semi frameless glass balustrade



AREA SCHEDULE

3 No. PODS @ 17m ² each = 51m ²
Deck Area = 77m ²
Total Area = 128m²

PLATFORM PLAN

1:50@A3
27/09/2018 10:52:07 AM, A3, Original Sheet Size

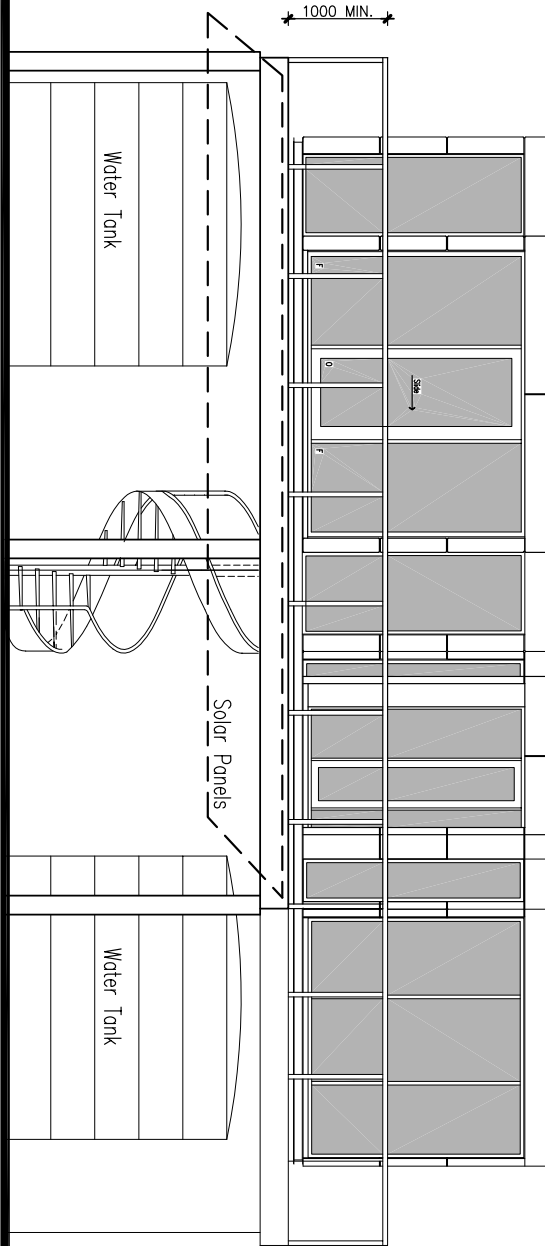


REV	DATE	DETAILS	REVISION	BY
D	27/09/18	REVISED FFL		SB
				PP/TD

SELWYN BLACKSTONE ARCHITECT
 ph: 03 9225 6382
 fx: 03 8610 1993
 email: selwyn@selblack.com.au
 www.selblack.com.au
 19 Tock Street South, Caulfield 3162 VIC

PLANNING
 PROJECT: **HARRYN PODS**
2082 NORA CREINA RD
CAPE RABELAIS

SCALE 1:50@A3	DATE Feb '17
CAD Ref: 283	CHECKED S.B.
JOB NO 530	ISSUE
DWG NUMBER A-04	D



Deck FFL 20.5 AHD

ELEVATION 1

1:50@A3

27/09/2018 10:51:20 AM, A3, Original Sheet Size

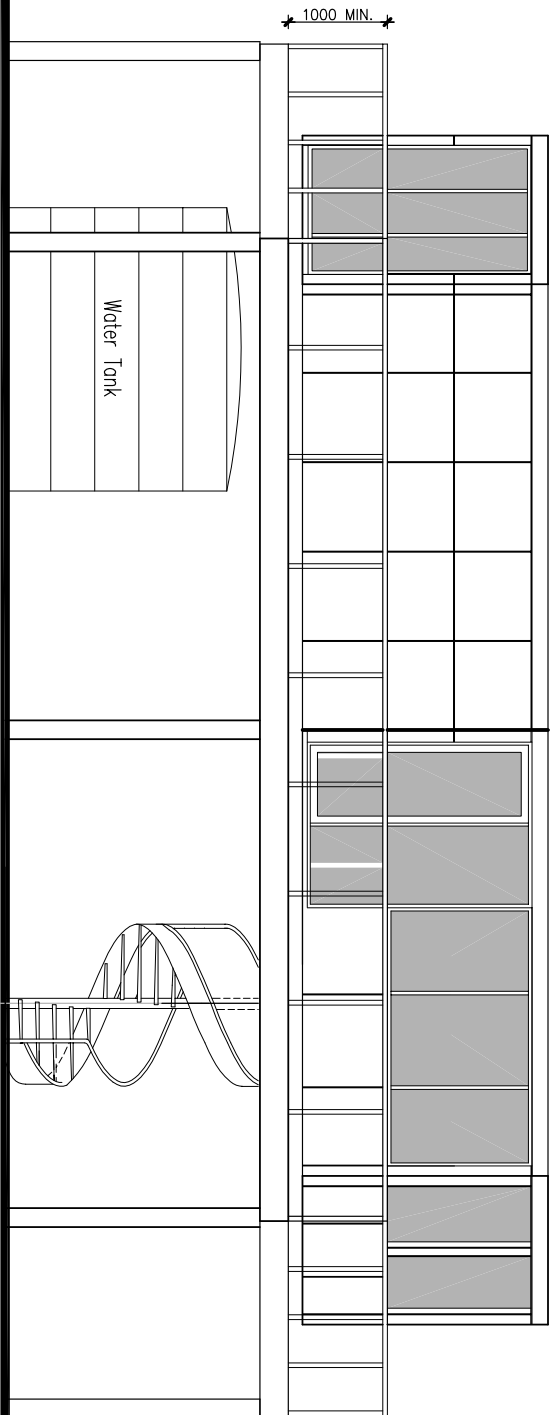
REV	DATE	DETAILS	INT.
C	27/09/18	REVISED FFL	SI

SELWYN BLACKSTONE ARCHITECT

ph: 03 9323 6382
 fr: 03 8610 1993
 m: 0402 081 819
 19 Tock Street South, Goodfield 5162 VIC

selwyn@blackstone.com.au
 www.blackstone.com.au

DRAWING	SCALE 1:100@A3	DATE Feb '17
PLANNING	CAD Ref: 283	CHECKED S.B.
PROJECT	JOB NO 530	DWG NUMBER A-06
HARWYN PODS		ISSUE C
2082 NORA CREINA RD		
CAPE RABELAIS		



ELEVATION 2

1:50@A3
27/09/2018 10:51:47 AM, A3, Original Sheet Size

REV	DATE	DETAILS	INT.
C	27/09/18	REVISED PFL	SI

SELWYN BLACKSTONE ARCHITECT
 Ph: 03 9323 6382
 Fax: 03 8610 1993
 M: 0402 081 819
 19 Tock Street South, Coudfield 5162 VIC
 selwyn@blackstone.com.au
 www.blackstone.com.au

DRAWING	SCALE 1:100@A3	DATE Feb '17
PLANNING	CAD Ref: 283	CHECKED S.B.
PROJECT	JOB NO 530	DWG NUMBER A-07
HARWYN PODS		ISSUE C
2082 NORA CREINA RD		
CAPE RABELAIS		

STATEMENT OF EFFECT

Variation to Approved Caretaker's Dwelling and Site Office

for: Mr Thomas Egan and Dr Linda Hemphill
at: 2082 Nora Creina Road, Nora Creina



Prepared by
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February 2018



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1.0 INTRODUCTION

On behalf of Mr Thomas Egan and Dr Linda Hemphill a development application has been submitted to vary the siting and design of the approved caretaker's dwelling at 2082 Nora Creina Road, Nora Creina. Council has determined that the variation, which also includes a site office, is a form of development to be assessed as a new application and is a non-complying form of development.

2.0 BACKGROUND

The District Council of Robe granted Development Plan Consent to Development Application 822/100/14 for a 'detached dwelling' on 31 July 2015. Requests for an extension of time in which to commence the development have been submitted and approved by Council.

Since obtaining the planning consent, Mr Egan and Dr Hemphill have undertaken extensive work on the site in relation to the vegetation management. Condition 4 (quoted below) of the Development Plan Consent required a progress report on the vegetation management. Whilst the conditions were required to be actioned after development approval was granted, my clients have provided Council with a progress report. Furthermore, my clients continue to work towards the approved vegetation management plan.

"4. Revegetation and conservation works shall be undertaken on the subject land as per the vegetation management plan (dated 22 May 2015) and a report shall be provided to Council 12 months after the issue of development approval and thereafter on a yearly basis for the following two years, outlining the progress of the works which shall occur in accordance with the schedule provided within Table 4 of the vegetation management plan."

Whilst undertaking the vegetation improvement on the subject land over the past two years, my clients have revised the desired siting of the caretaker's dwelling and its design. Subsequently, this application is submitted to vary the siting and design of the dwelling. Furthermore, my clients have sited a transportable "site office" on the property, which they utilise as a base to manage the property. The site office also forms part of this development application.

3.0 SUBJECT LAND AND LOCALITY

The subject land is in the ownership of Mr Egan and Dr Hemphill. Formerly the land was owned by Mr/s A R and J M Cullen, who owned the property from 1963 until it was sold to Mr Egan and Dr Hemphill in or about 2016.

In 1988 Mr/s Cullen entered into a Heritage Agreement with the then Minister for Environment and Planning in relation to Section 82 of the County of Grey and Sections 120 and 325 in the Hundred of Waterhouse, comprised in Certificate of Title Volume 4261 Folio 776. At that time it was agreed that 315 hectares of the 408 hectare site would be included in a Heritage Agreement as defined in GRO Plan 690/1987 (copy submitted with the development application).



The land subject to the Heritage Agreement (6519022) is dedicated to the conservation of native vegetation and native fauna and shall not be used in a manner inconsistent with that dedication.

Since the Heritage Agreement was established, the land has been subdivided. It is understood the land division occurred in 1988, creating Allotment 2. The Heritage Agreement remains current and applicable to Allotment 2.

The land immediately adjoins Cape Rabelais, is undulating and comprises sand dunes and areas of native vegetation. The sand dunes are located within the area of the Heritage Agreement, the boundaries of which are irregular. The property has road frontage to Nora Creina Road.

Legally the land is described as Allotment 2, Deposited Plan 24257, Hundred of Waterhouse in Certificate of Title Volume 5435 Folio 299. The land has an area of 40 hectares and it is estimated that the Heritage Agreement covers approximately 22 hectares of the site.

Currently the site comprises farm buildings, a disused horse training track and a number of vehicular access tracks, all of which are visible on the aerial photograph locality plan submitted with the development application. The land outside of the Heritage Agreement Area has previously been grazed.

Land to the east and south-east of the subject property is the principal farm and farm dwelling of the former owner, Mr Cullen. Land further north-east and east is utilised for farming purposes

To the south-east of the subject land is the settlement of Nora Creina. Nora Creina comprises a range of permanent and holiday dwellings.

Immediately north of the subject land is Allotment 5, which is also contains part of the land covered by the Heritage Agreement. Allotment 5 contains a detached dwelling in close proximity to the northern boundary of the subject land.

4.0 PROPOSED VARIATION

As described in the approved application, the proposal is a small-scale dwelling, to be constructed outside of the designated heritage area which exists on the site. The dwelling is effectively a caretaker's dwelling as Mr Egan and Dr Hemphill live in Melbourne, but intend to utilise the accommodation for extended periods to enable revegetation and management of the subject land.

The approved development incorporated an elevated building with verandahs (decks) with water storage under the building. The proposal as now varied is a modular form of development that can be constructed within the sensitive environment via a less intrusive construction method and thereby minimising the disturbance to the area. It is proposed to utilise a 'Harwyn Pods' www.harwyn.com.au with a 'surefoot' footing system that is effectively a pier footing with plates that the pod is installed onto.



The site office is a 6.0 metres x 3.0 metres transportable building (as shown in the photograph below), which is sited adjacent to the existing outbuildings. The office provides a base for my clients when on site and as shown in the photographs incorporate solar hot water, weather station and satellite dish. The office is not a dwelling, but rather a comfortable outbuilding with amenities and resources for the use of my clients and people assisting with the vegetation management and revegetation of the subject land. A significant part of the revegetation of the site involves data collection, seed collection and propagation of native species which are utilised in the science of conservation of the site. The weather station monitors and recording equipment sited at the site office. The site office and existing outbuildings are utilised for seed propagation.





Photographs of the site office.

Plans attached to the application prepared by Selwyn Blackstone Architects and MasterPlan (**Appendix A**) illustrate the proposed dwelling and the site office.



The following table compares the approved and proposed dwelling:

Approved Dwelling	Proposed Dwelling
Sited approximately 400 metres from Nora Creina Road	Sited approximately 420 metres from Nora Creina Road
A modular construction of curved roof elements and external decks	A modular construction comprising three flat roofed pods with verandah around
Comprising one main living room/bedroom and ancillary kitchen and bathroom/laundry	Comprising one bedroom, one living area and a kitchen/bathroom/laundry
Total area of 129 square metres comprising 66.27 square metres floor area, plus decks of 62.63 square metres	Total area of 128 square metres comprising 51 square metres floor area, plus deck of 77 square metres
Overall maximum dimensions 13.53 metres x 15.16 metres	Overall maximum dimensions 14.15 metres x 12.5 metres
Maximum building height of 3.063 metres	Pod height of 2.6 metres
Elevated above natural ground level approximately 3.0 metre with finished floor level of 15.50 metres AHD	Elevated above natural ground level approximately 3.0 metres with finished floor level of 20.5 metres AHD
Finished building height above natural ground level approximately 18.56 metres	Finished building height above natural ground level approximately 23.1 metres
Highest adjacent noted site level – 15.77 metres AHD	Highest adjacent noted site level – 18.57 metres AHD adjacent boundary of the heritage area to the north. The headland of Cape Rabelais to the south west of the site is approximately 22 metres AHD
Difference between highest noted site level and proposed FFL - 0.27 metres	Difference between highest noted site level and proposed FFL +1.93 metres
'Colorbond' roofing and cement sheet wall cladding, timber windows and decking	External walls and roof of Alucobond material – "Champagne Metallic 503"
 <p>Approved colour of walls and roof – "Colorbond™ Cove Colour"</p>	 <p>Proposed colour of walls and roof - Alucobond "Champagne Metallic 503"</p>
Bio-cycle or similar of effluent disposal	Unaltered
15,000 litres rainwater storage, proposed to be accommodated under the dwelling	Unaltered
Minimum 22,000 litres dedicated fire water storage, proposed to be accommodated under the dwelling	Unaltered
Utilisation of an existing driveway entrance to Nora Creina Road	The access is retained and continues to follow an existing track on-site
Upgrading of an existing internal access track as an all-weather road for vehicle access to the standard required for entrance and exit of fire fighting vehicles with suitable passing bays	Unaltered location and extended by approximately 90 metres
Clearance of a 20 metre asset protection zone around the dwelling	Clearance of a 20 metre asset protection zone around the dwelling



Whilst the proposed site has a higher elevation, it is superior in terms of environmental impact/conservation and functionality. The area of the approved dwelling contains substantial Current Bush (*Leucopogon parviflorus*) and the rarer 'Comesperma volubile' (Blue Love Creeper), and its wider locality is a sandy hollow. Whilst the Current Bush is a common coastal species it is difficult to propagate and not reproducing naturally. Given the underlying intent of purchasing the property was to manage and revegetate the sensitive coastal environment, the protection of the existing Coastal Bearded Heath is considered appropriate and important. Furthermore, the relocation of the dwelling will allow for native species to establish within the sandy hollow.

It is acknowledged that the proposed location for the dwelling will be more elevated than the approved dwelling. However for the reasons outlined and discussed below, the proposed new dwelling site and will not be visually dominant in a manner that is detrimental to the character of the locality. In considering the relative change in height of the dwelling, it is requested that it be considered in the context of the following:

- the intent of the development continues to be the establishment of a small dwelling with minimal environmental impact on the land;
- whilst the siting of the dwelling is further up the slope than the approved location, the original site is the shoulders of the slope where the most sensitive long-lived flora thrive, especially a remnant forest of Current Bush (*Leucopogon parviflorus*) and rarer 'Comesperma volubile' (Blue Love Creeper);
- the proposed dwelling site is degraded, having been subject to unchecked motorbike and motor-cross riding (see photographs below);
- the proposed site is between two established fire tracks, minimising the need for new road cutting/upgrade;
- to minimise the impact my clients wish to locate rainwater tanks and solar electrical transfer plant under the building, rather than adjacent the building, which would increase the footprint;
- the height of the finished floor level is set by the height of the tanks to achieve a sustainable volume of water for use in the dwelling and the firefighting tanks. Excavation of the area below the dwelling has been considered, but is considered to be unnecessarily invasive which would cause soil disturbance and potential erosion and other degradation;
- the elevation will more readily permit the use of a minimum number of solar panels to generate the required approx. 60 megawatts. of power for a low environment impact dwelling. A lower FFL and consequent lower elevation to the north for the solar panel array (noting they are attached below the deck line), may result in the need for additional solar panels and therefore be more visually intrusive;



- an alternative to solar panels is for my clients to connect to mains power, at a similar cost. Connection to the grid would involve a domestic sub-station on poles within close proximity to the Nora Creina Road feeding power to the property and overhead wires on poles across the property for approximately 400 metres. Utilisation of renewable energy is more environmentally sustainable and less visually dominant and more aligned to the philosophy of my clients for the use and conservation of the property;
- to the south-west of the proposed site, along which cliff top day walkers access Rabelais Beach from the Nora Creina Bay Council car park, is the hill/headland, which is estimated to have an elevation of 22 metres. This landscape feature shields the proposed dwelling from view from this premier public viewpoint;
- the proposed dwelling at the proposed FFL would only be visible from the north aspect, looking south along Rabelais Beach foreshore. This aspect is setback approximately 1.0 kilometre from the north-western property foreshore boundary and separated by dunes and vegetation within the designated heritage area of the property; and
- considered in relative terms and taking in the wider locality, the proposed dwelling is small in scale in terms of both size and siting than many other more substantial dwellings that have been established above the ridge line and at greater elevations, within the adjoining Nora Creina settlement.



Photographs illustrating broken and damaged vegetation by motorcycles that have entered the property.



5.0 DEVELOPMENT PLAN ASSESSMENT

The proposed development is located within the Coastal Conservation Zone of the Robe Council Development Plan (consolidated 15 December 2016). The zoning of the property has not altered since the original caretakers dwelling application was approved.

A detailed assessment of the appropriateness of the land use was undertaken in determining the original development application. The following is an assessment of the proposed variations against the most relevant provisions of the Development Plan and particularly relate to the use and siting of the proposed site office and the siting, height and visibility of the proposed dwelling.

The objectives of the Coastal Conservation Zone seek to conserve and enhance the natural features of the coast, including landform, fauna and flora. This conservation aim is further stated in the Desired Character Statement.

Coastal Conservation Zone

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

Objective 3: Development that contributes to the desired character of the zone.

Desired Character Statement

The coastal margins of the Council area are an important and integral component of the ecosystem, providing a buffer between the active coastal process and the more stable terrestrial environment beyond.

Because of the level of human intervention in clearing land for agriculture, the coastal areas and dunes systems remain in a largely natural state and provide an important source of habitat and plant diversity.

The coastal areas are sensitive to human activity and are subject to the impacts of sea level rise and coastal erosion. As such, the zone requires careful and strict management practices. Land in the zone will be retained in a natural state with protection of coastal dunes, cliffs, geological features and associated native vegetation being paramount. Agricultural activity will be limited to existing cleared areas and cliff tops, and sand dunes will be excluded from development.

The siting of buildings associated with farming pursuits will be limited to existing cleared areas and the replanting of native vegetation common to the area will be required.

Parts of the zone are at risk of coastal flooding and erosion, and this risk will increase in the event of future sea level rise due to climate change.

The proposal continues to be consistent with the objective and desired character statement in the following ways:

- the dwelling in its amended location continues to be outside of the dedicated heritage area of the subject land. The heritage area has already been dedicated to the protection of the site's sensitive coastal dunes and flora and fauna;



- revegetation and management of weeds has been commenced;
- siting of the proposed small-scale caretaker's dwelling is outside of the designated heritage area and not located on the significant coastal dunes, cliffs or areas of native vegetation. The amended site of the proposed dwelling is unlikely to be the subject of coastal erosion or sea level rise given its elevation;
- the views of the dwelling in the amended location would be limited given the setbacks to public roads and other dwellings;
- the dwelling has an elevation lower than the hill/headland to the south-west of the proposed site, which shields views from this premier Cape Rabelais walkway;
- the proposed dwelling at the proposed FFL would only be visible from the north aspect, looking south along Rabelais Beach foreshore. These views are not readily available from a publicly accessible place and furthermore and separated by dunes and vegetation within the designated heritage area of the property;
- the dwelling is not sited on the highest portion of the subject land;
- the dwelling on the adjoining land and within the settlement of Nora Creina are developed on elevations similar to that proposed by this variation; and
- the dwelling has a floor area of approximately 128 square metres which is miniscule within the site of 40 hectares.

The dwelling in its amended location is adjacent an existing access track and area degraded by previous farming activities and damage from uncontrolled motorcycle activity on the site. The amended location continues to be outside of the designated heritage area and the development will incorporate replanting of indigenous vegetation. It is considered that the proposal continues to be consistent with Principles of Development Control 7 and 8 of the Coastal Conservation Zone, in that the nature of the development is small-scale, and it is sited and designed to be compatible with the coastal environment.

The siting of the proposed site office is within a conglomeration of buildings (as shown in the photographs) and setback approximately 120 metres from Nora Creina Road. The building is small in scale, having dimensions of 6.0 metres in length and 3.0 metres in width. Given the scale and siting of the site office building it is not considered visually obtrusive in the environment and does not adversely affect the character or amenity of the site or locality.

Form and Character

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

PDC 8 Development should be designed and sited to be compatible with conservation and enhancement of the coastal environment and scenic beauty of the zone.



Principle of Development Control 9 of the Coastal Conservation Zone provides further guidance in relation to design and siting of development. The proposed caretaker's dwelling in its amended form satisfies PDC 9 in the following manner:

- the development is in excess of 100 metres from the coastal boundaries of the property;
- siting of the development outside of the heritage area is thereby external to the identified sensitive coastal features, including coastal dunes;
- the considerable setback from Nora Creina Road, combined with the small-scale of the building, would result in minimal impact on public views and amenity of the locality;
- vehicular access to the site does not alter; and
- revegetation of the subject land will incorporate indigenous plant species, a majority of which will be propagated from existing species on the site.

PDC 9 Development should:

- (a) **not adversely impact on the ability to maintain the coastal frontage in a stable and natural condition and, in any case, should be setback at least 100 metres from the coastal frontage;**
- (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; and**
- (d) **utilise external low reflective materials and finishes that will minimise glare and blend in with the features of the landscape.**

In addition to the provisions of the Coastal Conservation Zone, there are numerous objectives and principles of development control in the general section of the Development Plan applicable to the development, including those contained under the heading of Coastal Areas and Hazards. A number of the most relevant provisions of the general section of the Development Plan are quoted below. It is considered that the proposed caretaker's dwelling in its amended form continues to satisfactorily address the intent of these provisions in the following manner:

- preserves the high landscape and amenity value area of the subject site which is contained within the designated heritage area;
- does not impact on the coastal environment;
- the proposed building is not within an area to be protected from coastal hazards;
- management of the land and revegetation is a key priority of the proposed new owners;
- the dwelling and associated effluent disposal is more than 100 metres from the coastal boundaries of the property and even further from the high watermark;



- the subject land is located in close proximity to the Nora Creina settlement and does not promote further linear development;
- adequate and appropriately sited dedicated water supply for firefighting purposes can be provided on the site;
- the dwelling can be constructed of materials and finishes to accord with the *Ministers Specification SA 78*;
- an area of vegetation can be cleared around the dwelling without encroaching into the heritage area via the establishment of an asset protection area; and
- access for firefighting vehicles can be provided in accordance with the *Minister's Code: Undertaking Development in Bushfire Protection Areas*, via an existing vehicle track to be widened and incorporating passing bays.

General Section – Coastal Areas

- Objective 1:** The protection and enhancement of the natural coastal environment, including environmentally important features of coastal areas such as mangroves, wetlands, sand dunes, cliff tops, native vegetation, wildlife habitat shore and estuarine areas.
- Objective 3:** Preservation of areas of high landscape and amenity value including stands of vegetation, shores, exposed cliffs, headlands, islands and hill tops, and areas which form an attractive background to urban and tourist areas.
- 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 8:** Management of development in coastal areas to sustain or enhance the remaining natural coastal environment.
- PDC 1** Development should be compatible with the coastal environment in terms of built form, appearance and landscaping including the use of walls and low pitched roofs of non-reflective texture and natural earth colours.
- PDC 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.
- PDC 6** Effluent disposal systems incorporating soakage trenches or similar should prevent effluent migration onto the inter-tidal zone and be sited at least 100 metres from whichever of the following requires the greater distance:
- (a) the mean high-water mark at spring tide, adjusted for any subsidence for the first 50 years of development plus a sea level rise of 1.0 metre
 - (b) the nearest boundary of any erosion buffer determined in accordance with the relevant provisions in this Development Plan.



Hazard Risk Minimisation

PDC 17 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.

Development in Appropriate Locations

PDC 29 Development along the coast should be in the form of infill in existing developed areas or concentrated into appropriately chosen nodes and not be in a scattered or linear form.

General Section – Hazards

Bushfire

PDC 6 The following bushfire protection principles of development control apply to development of land identified as General, Medium and High bushfire risk areas as shown on the Bushfire Protection Area BPA Maps - Bushfire Risk.

PDC 7 Development in a Bushfire Protection Area should be in accordance with those provisions of the Minister's Code: Undertaking development in Bushfire Protection Areas that are designated as mandatory for Development Plan Consent purposes.

PDC 8 Buildings and structures should be located away from areas that pose an unacceptable bushfire risk as a result of one or more of the following:

- (a) vegetation cover comprising trees and/or shrubs;
- (b) poor access;
- (c) rugged terrain;
- (d) inability to provide an adequate building protection zone; and
- (e) inability to provide an adequate supply of water for fire fighting purposes.

PDC 9 Residential, tourist accommodation and other habitable buildings should:

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

6.0 SOCIAL, ECONOMIC AND ENVIRONMENTAL EFFECTS

6.1 Social

The social implications of the proposed development are considered to be neutral. Development of a small scale caretakers dwelling to accommodate the owners of the property whilst they manage and revegetate the site is unlikely to alter the social structure of the locality. The broad locality contains numerous dwellings within and adjacent the settlement of Nora Creina which accommodate permanent and infrequent occupation to enjoy the coastal environment.



6.2 Economic

Economically the development is unlikely to have a significant positive or negative impact on the locality.

6.3 Environmental

Environmentally the proposed development is considered to be an asset to the locality and have a positive effect. The commitment of the proposed developers of the caretakers dwelling to management and revegetate the area within the heritage area and the degraded areas outside of this area is the form of conservation that is widely sought for areas adjacent the coast. Furthermore, Mr Egan and Dr Hemphill have commenced the propagation of plants from local species found on the site, which are being utilised for revegetation of the site and can be made available to others in the wider locality. The environmental benefits of creating conditions suitable for a variety of flora and fauna within the 40 hectare allotment are considered to be significant and positive.

7.0 CONCLUSION

The land use of a caretakers dwelling has previously been found to be appropriate. Amendment of the location of the proposed dwelling is considered to be appropriate in the locality, given the size of the site, the setbacks from boundaries and the density of the vegetation within the undulating site that minimise the visibility of the small dwelling. The dwelling in its amended location is designed and sited so that it does not impact on coastal features; is small in scale and would not be visually dominant in a manner that would be unreasonable adverse to the character, amenity and scenic beauty of the locality.

For all of the above stated reasons, the proposed development is sufficiently in accord with the provisions of the Development Plan to warrant the granting of Development Plan Consent.

Should you require any additional information or clarification at this time, please contact the undersigned by phone on 8221 6000 or 0413 832 616, or by email juliej@masterplan.com.au.

Julie Jansen FPIA
BA, BA(Hons), GDURP

14 February 2018

APPENDIX A

27 SEP 2018

DEVELOPMENT ACT, 1993
District Council of Robe

Statement of Representation
Pursuant to Section 38 of the Development Act, 1993

TO: Chief Executive
District Council of Robe
PO Box 1
ROBE SA 5276

DEVELOPMENT No 822/037/18

Name of Person(s) Making Representation: P R & M G BISHOP
Home Address: Bishop Road Mt Gambier 5290
Postal Address: PO Box 909 Mt Gambier 5290
Email Address: bishopphilip@gmail.com

Nature of Interest affected by development (eg. adjoining resident, owner of land in vicinity, or on behalf of an Organization or company).
Adjoining Resident, Owner of land in the vicinity - across the road.

Reasons for Representation
Visual Impact of amended design and siting of dwelling - please see attached letter

My Representation would be Overcome by (state action sought)
Retaining the Development Application 822/100/14 or siting the new dwelling design near existing buildings and sheds.

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

- I do NOT wish to be heard
- I desire to be heard personally; or
- I will be represented by _____
(please specify)

Where a person has indicated that they wish to be heard, they will be notified by a separate letter of the date and time of the Council meeting at which Council will consider the application.

Signed Philip Bishop Marilyn Bishop
Date 25-9-2018

Note: Please attach separate sheets or a letter if additional space is required.
District Council of Robe - 3.14.1 CAP Agenda 19 February 2019

25/9/2018

Chief Executive,

District Council of Robe,

Re: Amended Development Plan 822/037/18

Dear Sir,

Reasons for Representation:

1. Visual Impact of amended design. The proposal is for this elevated dwelling to be sited on one of the highest points on this property close to an old exposed coastline cliff. The dwelling will be clearly visible from 360 degrees (including beaches and the ocean). Native vegetation around the proposed amended site is very low – less than a metre – which will not screen or hide the structure. The proposed layout of the 3 pods along with the decking will cause the structure to appear larger than it actually is – and will make it more noticeable. This is a pristine coastline which does not need to be compromised with a very visible building.
2. The emotive term ‘Caretaker’s cottage’ suggests a simple, small dwelling in an out of sight location. The proposed dwelling does not evoke such an image – it is an elevated holiday house and needs to be viewed as such. If the owners want a ‘caretaker’s cottage’ – it should be built near the existing sheds.
3. The property was purchased with the buyers knowing that the building of a holiday house or permanent residence on the land would include severe restrictions because of the pristine nature of the area and the encumbrances placed on the land. The purchasing price reflected this.

A number of years ago Robe Council made the mistake of allowing a house to be built on the highest and most visible part of Nora Creina which has resulted in a permanent visual eyesore – please do not repeat the same mistake in an area which has a more natural environment.

Yours sincerely,



Philip Bishop, Marilyn Bishop.

22 October 2018

Mr Roger Sweetman
Chief Executive Officer
District Council of Robe
PO Box 1
ROBE SA 5276

Attention: Michelle Gibbs

Dear Michelle,

**Re: Response to Representation
Development Application – 822/0037/18
Proposed Caretakers Dwelling
2082 Nora Creina Road, Nora Creina**

MasterPlan SA Pty Ltd writes on behalf of our clients, Mr Thomas Egan and Dr Linda Hemphill, to provide a response to the letter of representation received in relation to the proposed dwelling at 2082 Nora Creina Road, Nora Creina.

During the Category 3 notification period, one letter of representation was received from Mr/s P R & M G Bishop of Bishop Road, Mount Gambier. The representation indicates that Mr/s Bishop are owners of land across the road from the subject land. It appears that the "affected" land at Nora Creina is not the principal residences of Mr/s Bishop, as their home address is noted as Bishop Road, Mount Gambier. There are no further details within the representation which indicate the exact location or proximity of the land to which they refer to as "adjoining resident", however it is understood that Mr/s Bishop have a dwelling within the Nora Creina settlement. Furthermore, it is understood that the land which is the ownership of Mr/s Bishop opposite the subject land does not contain a dwelling.

The letter of representation acknowledges that our clients have a current consent for a dwelling on the subject land. There are three grounds of objection included in the representation, which are summarised are: visual impact of proposed dwelling location; the terminology and description of the development as a "caretakers cottage"; and the knowledge of our clients regarding the restrictions applicable to the property. Each of these concerns are addressed below.

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Description of the Development

The representation infers that the description of the proposal as a "caretakers dwelling" is somehow inappropriate or misleading. On behalf of our client, we have consistently referred to the proposed development as a caretakers dwelling, as that is the intended use of the dwelling. It is noted that as the planning authority, the District Council of Robe granted Development Plan Consent to Development Application 822/100/14 for a 'detached dwelling' on 31 July 2015. This consent remains current (given extensions of time in which to commence the development), for which this current application seeks to vary the location and built form of the 'dwelling'.

As stated in the application documents, our clients are committed to constructing a small caretakers dwelling with a small ecological footprint that has minimal impact on the environment. Since obtaining Development Plan Consent in 2014, Mr Egan and Dr Hemphill have undertaken extensive work on the site in relation to the site rehabilitation and vegetation management. Over the past 3-4 years, our clients have removed non-native plants and invasive weeds, removed rubbish, reduced vermin and restricted unlawful motorbike and pedestrian traffic to a small fraction of what it previously was. Restricting unlawful access has allowed rehabilitation of damaging off-road tracking by those vehicles and minimised trampling of sensitive coastal vegetation by pedestrians.

Our clients are based in Melbourne and commute to the property to undertake environmental improvements. The development of a 'dwelling' will be utilised for accommodation purposes to continue to facilitate the improvement of the subject land and hence has been aptly described as a 'caretakers dwelling'.

Our clients are committed to conservation of this coastal environment and the large area of the property protected via a Heritage Agreement was a significant part of the attraction to their purchase of the property. Establishing a 'dwelling' in the location proposed will allow for observation of the coastal environment and ease of scientific monitoring of flora, fauna, and atmospheric and sea climate, which is currently hampered by the remoteness of existing farm sheds and instrumentation from the coast.

Minimising the environmental footprint of the dwelling is important to our clients and has subsequently informed the form and construction methodology proposed for the 'dwelling'.

It is our respectful submission that our description of the intended use as a 'caretakers dwelling' reflects the proposed use of the proposed structure by our clients. Irrespective of our description, the planning authority has previously granted approval to the development of a 'detached dwelling' and the intended use of the property has not altered, but rather the built form and location.



Restrictions to Development

Mr/s Bishop state that our clients were well aware of the pristine nature of the area and the encumbrances placed on the land when they purchased the property. It is inferred that these 'restrictions' relate to the building of a holiday house or permanent residence.

As stated previously, the existence of a Heritage Agreement over some 315 hectares of the total 408 hectare site, for the purposes of coastal conservation, was an attraction to our clients.

The restrictions to the development of a dwelling on the site do not specifically relate to the Heritage Agreement, but rather the zoning of the land. The subject land is located within the Coastal Conservation Zone and a dwelling is a non-complying form of development in that zone. An assessment of the merits of developing a dwelling within the zone has previously been undertaken as part of the 2014 development application. It has been assessed by the planning authority that a dwelling warranted consent. That is to say, in 2015 Council as the planning authority determined that a dwelling was an appropriate form of development.

It should be noted that the siting of the dwelling as proposed by this development application is outside of the area of the Heritage Agreement.

Visual Impact

In the representation, Mr/s Bishop proposit that the site of the proposed dwelling will be visually dominant in the locality and visible from 360 degrees. They state that the dwelling is to be located on one of the highest points of the property and close to exposed coastal cliffs. They also assert that the inclusion of the decking to the three pods will make it appear larger and more visually dominant. It is our respectful submission that these assertions are incorrect.

The extract below from the site and locality plan which accompanied the development application clearly illustrates the location of the currently approved and proposed dwelling. Both the approved and proposed dwelling location is outside of the Heritage Agreement area (shown with green hatching). The sensitive coastal cliffs are located within the Heritage Agreement area.



The proposed dwelling is located some 420 metres from Nora Creina Road, which is 20 metres further than the approved dwelling. Between Nora Creina Road and the proposed site of the development is extensive vegetation, which is of various species and heights. The subject land and land adjoining has varied topography. Undulating topography in combination with vegetation would minimise visibility of the proposed dwelling and would not be visible for 360 degrees as asserted by the representor.

The following statements in the application documents are our considered opinions in relation to the visibility:

- the views of the dwelling in the amended location would be limited given the setbacks to public roads and other dwellings;
- the dwelling is not sited on the highest portion of the subject land;
- the dwelling on the adjoining land and within the settlement of Nora Creina are developed on elevations similar to that proposed by this variation;
- the dwelling comprises three pods, each of 17 square metres, or a total 'living' area of 51 square metres. With the addition of the deck, the development has a total floor area of approximately 128 square metres which is miniscule within the site of 40 hectares;



- to the south-west of the proposed site, along which cliff top day walkers access Rabelais Beach from the Nora Creina Bay Council car park, is the hill/headland, which is estimated to have an elevation of 22 metres. This landscape feature shields the proposed dwelling from view from this premier public viewpoint;
- the proposed dwelling at the proposed FFL would only be visible from the north aspect, looking south along Rabelais Beach foreshore. This aspect is setback approximately 1.0 kilometre from the north-western property foreshore boundary and separated by dunes and vegetation within the designated heritage area of the property; and
- considered in relative terms and taking in the wider locality, the proposed dwelling is small in scale in terms of both size and siting than many other more substantial dwellings that have been established above the ridge line and at greater elevations, within the adjoining Nora Creina settlement.

As proposed, the dwelling is 128 square metres in area comprising three 'pods'. This total floor area is equivalent to the approved dwelling, which was 129 square metres in total. The deck does not add to the bulk or visual impact of these three pods (of 51 square metres), given the horizontal nature of the deck. The height of the pods is 2.6 metres (relative to the maximum height of the approved dwelling of 3.06 metres) and this is considered small in scale.

It continues to be our opinion that the proposed dwelling is small in structure that has been carefully considered in terms of design and siting and construction methodology, to minimise its impact on the environment and the locality.

The land use of a caretakers dwelling has previously been found to be appropriate. Amendment of the location of the proposed dwelling is considered to be appropriate in the locality, given the size of the site, the setbacks from boundaries and the density of the vegetation within the undulating site that minimise the visibility of the small dwelling. The dwelling in its amended location is designed and sited so that it does not impact on coastal features; is small in scale and would not be visually dominant in a manner that would be unreasonable adverse to the character, amenity and scenic beauty of the locality.

It continues to be our opinion that the proposed development is sufficiently in accord with the provisions of the Development Plan to warrant the granting of Development Plan Consent and will not create unreasonable visual impact on the locality as expressed by the representor.

My client or representative would be available to attend the Council Assessment Panel meeting in relation to the application. It would be appreciated if you could advise the date and time of the Panel meeting and if the opportunity would be provided to the applicant or applicants representative to present or answer questions.



Should you require any additional information or clarification, please do not hesitate to contact the undersigned by phone on 8193 5600 or 0413 832 616 or email juliej@masterplan.com.au.

Yours sincerely

Julie Jansen
MasterPlan SA Pty Ltd

cc: Mr Thomas Egan and Dr Linda Hemphill.

Coastal Areas

OBJECTIVES

- 1 The protection and enhancement of the natural coastal environment, including environmentally important features of coastal areas such as mangroves, wetlands, sand dunes, cliff tops, native vegetation, wildlife habitat shore and estuarine areas.
- 2 Protection of the physical and economic resources of the coast from inappropriate development.
- 3 Preservation of areas of high landscape and amenity value including stands of vegetation, shores, exposed cliffs, headlands, islands and hill tops, and areas which form an attractive background to urban and tourist areas.
- 4 Development that maintains and/or enhances public access to coastal areas with minimal impact on the environment and amenity.
- 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.
- 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.
- 7 Development which will not require, now or in the future, public expenditure on protection of the development or the environment.
- 8 Management of development in coastal areas to sustain or enhance the remaining natural coastal environment.
- 9 Low intensity recreational uses located where environmental impacts on the coast will be minimal.

PRINCIPLES OF DEVELOPMENT CONTROL

- 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.

Environmental Protection

- 2 The coast should be protected from development that would adversely affect the marine and on-shore coastal environment, whether by pollution, erosion, damage or depletion of physical or biological resources, interference with natural coastal processes or any other means.
- 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.
- 4 Development should not be undertaken where it will create or aggravate coastal erosion, or where it will require coast protection works which cause or aggravate coastal erosion.
- 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.

- 6 Effluent disposal systems incorporating soakage trenches or similar should prevent effluent migration onto the inter-tidal zone and be sited at least 100 metres from whichever of the following requires the greater distance:
 - (a) the mean high-water mark at spring tide, adjusted for any subsidence for the first 50 years of development plus a sea level rise of 1 metre
 - (b) the nearest boundary of any erosion buffer determined in accordance with the relevant provisions in this Development Plan.
- 7 Development that proposes to include or create confined coastal waters, as well as water subject to the ebb and flow of the tide should be designed to ensure the quality of such waters is maintained at an acceptable level.
- 8 Development should be designed and sited so that it does not prevent natural landform and ecological adjustment to changing climatic conditions and sea levels and should allow for the following:
 - (a) the unrestricted landward migration of coastal wetlands
 - (b) new areas to be colonised by mangroves, samphire and wetland species
 - (c) sand dune drift
 - (d) where appropriate, the removal of embankments that interfere with the abovementioned processes.

Maintenance of Public Access

- 9 Development should maintain or enhance public access to and along the foreshore.
- 10 Other than small-scale infill development in a predominantly urban zone, development adjacent to the coast should not be undertaken unless it incorporates an existing or proposed public reserve, not including a road or erosion buffer, of at least 50 metres width between the development and the landward toe of the frontal dune or the top edge of an escarpment.
- 11 If an existing reserve is less than 50 metres wide, the development should incorporate an appropriate width of reserve to achieve a total 50 metres wide reserve.
- 12 Development that abuts or includes a coastal reserve should be sited and designed to be compatible with the purpose, management and amenity of the reserve, as well as to prevent inappropriate access to the reserve.
- 13 Development, including marinas and aquaculture, should be located and designed to ensure convenient public access along the waterfront to beaches and coastal reserves is maintained, and where possible enhanced through the provision of one or more of the following:
 - (a) pedestrian pathways and recreation trails
 - (b) coastal reserves and lookouts
 - (c) recreational use of the water and waterfront
 - (d) safe public boating facilities at selected locations
 - (e) vehicular access to points near beaches and points of interest
 - (f) car parking.
- 14 Where a development such as a marina creates new areas of waterfront, provision should be made for public access to, and recreational use of, the waterfront and the water.

- 15 Public access through sensitive coastal landforms, particularly sand dunes, wetlands and cliff faces, should be restricted to defined pedestrian paths constructed to minimise adverse environmental impact.
- 16 Access roads to the coast and lookouts should preferably be spur roads rather than through routes, other than tourist routes where they:
 - (a) do not detract from the amenity or the environment
 - (b) are designed for slow moving traffic
 - (c) provide adequate car parking.

Hazard Risk Minimisation

- 17 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.
- 18 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 levels are at least 0.3 metres above the standard sea-flood risk level
 - (b) building floor levels are at least 0.55 metres above the standard sea-flood risk level
 - (c) there are practical measures available to protect the development against an additional sea level rise of 0.7 metres, plus an allowance to accommodate land subsidence until the year 2100 at the site.
- 19 Buildings to be sited over tidal water or which are not capable of being raised or protected by flood protection measures in future, should have a floor level of at least 1.25 metres above the standard sea-flood risk level.
- 20 Development that requires protection measures against coastal erosion, sea or stormwater flooding, sand drift or the management of other coastal processes at the time of development, or in the future, should only be undertaken if all of the following apply:
 - (a) the measures themselves will not have an adverse effect on coastal ecology, processes, conservation, public access and amenity
 - (b) the measures do not nor will not require community resources, including land, to be committed
 - (c) the risk of failure of measures such as sand management, levee banks, flood gates, valves or stormwater pumping, is acceptable relative to the potential hazard resulting from their failure
 - (d) binding agreements are in place to cover future construction, operation, maintenance and management of the protection measures
- 21 Development should not compromise the structural integrity of any sea wall or levee bank adjacent to the foreshore, or compromise its capacity to protect against coastal flooding and erosion.

Erosion Buffers

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

- (b) the council is committed to protecting the public reserve and development from the anticipated coastal erosion.
- 23 Where a coastal reserve exists or is to be provided it should be increased in width by the amount of any required erosion buffer. The width of an erosion buffer should be based on the following:
- (a) the susceptibility of the coast to erosion
 - (b) local coastal processes
 - (c) the effect of severe storm events
 - (d) the effect of a 0.3 metres sea level rise over the next 50 years on coastal processes and storms
 - (e) the availability of practical measures to protect the development from erosion caused by a further sea level rise of 0.7 metres per 50 years thereafter.
- 24 Development should not occur where essential services cannot be economically provided and maintained having regard to flood risk and sea level rise, or where emergency vehicle access would be prevented by a 1-in-100 year average return interval flood event, adjusted for 100 years of sea level rise.

Land Division

- 25 Land in coastal areas should only be divided if:
- (a) it or the subsequent development and use of the land will not adversely affect the management of the land, adjoining land or the coast
 - (b) sand dunes, wetlands and substantially intact strata of native vegetation are maintained or consolidated within single allotments.
- 26 Land division in coastal areas outside of designated urban or settlement zones should not increase either of the following:
- (a) the number of allotments abutting the coast or a reserve
 - (b) the number of allotments, including community title allotments and those that incorporate rights of way, with direct access to the coast or a reserve.
- 27 Land should not be divided for commercial, industrial or residential purposes unless a layout can be achieved whereby roads, parking areas and development sites on each allotment are at least 0.3 metres above the standard sea-flood risk level, unless the land is, or can be provided with appropriate coastal protection measures.

Protection of Economic Resources

- 28 Development should be sited, designed and managed so as not to conflict with or jeopardise the continuance of an existing aquaculture development.

Development in Appropriate Locations

- 29 Development along the coast should be in the form of infill in existing developed areas or concentrated into appropriately chosen nodes and not be in a scattered or linear form.
- 30 Development of a kind or scale (eg commercial or large scale retail) that does not require a coastal location and would not significantly contribute to the community's enjoyment of the coast should not be located in coastal areas.

Design and Appearance

OBJECTIVES

- 1 Development of a high architectural standard that responds to and reinforces positive aspects of the local environment and built form.
- 2 Roads, open spaces, buildings and land uses laid out and linked so that they are easy to understand and navigate.

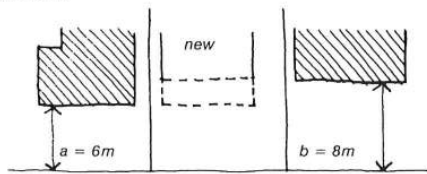
PRINCIPLES OF DEVELOPMENT CONTROL

- 1 The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.
- 2 Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walling facing areas exposed to public view.
- 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.
- 4 Where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise:
 - (a) the visual impact of the building as viewed from adjoining properties
 - (b) overshadowing of adjoining properties and allow adequate sun light to neighbouring buildings.
- 5 Transportable buildings and buildings which are elevated on stumps, posts, piers, columns or the like, should have their suspended footings enclosed around the perimeter of the building with brickwork or timber, and the use of verandas, pergolas and other suitable architectural detailing to give the appearance of a permanent structure.
- 6 The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties or drivers.
- 7 Structures located on the roofs of buildings to house plant and equipment should form an integral part of the building design in relation to external finishes, shaping and colours.
- 8 Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.
- 9 Development should provide clearly recognisable links to adjoining areas and facilities.

- 10 Buildings, landscaping, paving and signage should have a co-ordinated appearance that maintains and enhances the visual attractiveness of the locality.
- 11 Buildings (other than ancillary buildings or group dwellings) should be designed so that their main façade faces the primary street frontage of the land on which they are situated.
- 12 Where applicable, development should incorporate verandas over footpaths to enhance the quality of the pedestrian environment.
- 13 Development should be designed and sited so that outdoor storage, loading and service areas are screened from public view by an appropriate combination of built form, solid fencing and/or landscaping.
- 14 Outdoor lighting should not result in light spillage on adjacent land.
- 15 Balconies should:
 - (a) be integrated with the overall architectural form and detail of the building
 - (b) be sited to face predominantly north, east or west to provide solar access
 - (c) have a minimum area of 2 square metres.

Building Setbacks from Road Boundaries

- 16 The setback of buildings from public roads should:
 - (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
 - (b) contribute positively to the streetscape character of the locality
 - (c) not result in or contribute to a detrimental impact upon the function, appearance or character of the locality.
- 17 Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:

Setback difference between buildings on adjacent allotments	Setback of new building
Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below:  <p style="text-align: center;"><small>When $b - a \leq 2$, setback of new dwelling = a or b</small></p>
Greater than 2 metres	At least the average setback of the adjacent buildings.

- 18 Except where specified in a particular zone, policy area, or precinct, buildings and structures should be set back from road boundaries having regard to the requirements set out in Table Ro/1 – Building Setbacks from Road Boundaries.
- 19 Except where specified in a zone, policy area or precinct, the setback of development from a secondary street frontage should reflect the setbacks of the adjoining buildings and other buildings in the locality.

Hazards

OBJECTIVES

- 1 Maintenance of the natural environment and systems by limiting development in areas susceptible to natural hazard risk.
- 2 Development located away from areas that are vulnerable to, and cannot be adequately and effectively protected from the risk of natural hazards.
- 3 Critical community facilities such as hospitals, emergency control centres, major service infrastructure facilities, and emergency service facilities located where they are not exposed to natural hazard risks.
- 4 Development located and designed to minimise the risks to safety and property from flooding.
- 5 Development located to minimise the threat and impact of bushfires on life and property.
- 6 Expansion of existing non-rural uses directed away from areas of high bushfire risk.
- 7 The environmental values and ecological health of receiving waterways and marine environments protected from the release of acid water resulting from the disturbance of acid sulphate soils.
- 8 Protection of human health and the environment wherever site contamination has been identified or is suspected to have occurred.
- 9 Appropriate assessment and remediation of site contamination to ensure land is suitable for the proposed use and provides a safe and healthy living and working environment.
- 10 Minimisation of harm to life, property and the environment through appropriate location of development and appropriate storage, containment and handling of hazardous materials.

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should be excluded from areas that are vulnerable to, and cannot be adequately and effectively protected from, the risk of hazards.
- 2 There should not be any significant interference with natural processes in order to reduce the exposure of development to the risk of natural hazards.

Flooding

- 3 Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.
- 4 Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:
 - (a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event
 - (b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.
- 5 Development, including earthworks associated with development, should not do any of the following:
 - (a) impede the flow of floodwaters through the land or other surrounding land

**Robe Council
General Section
Hazards**

- (b) increase the potential hazard risk to public safety of persons during a flood event
- (c) aggravate the potential for erosion or siltation or lead to the destruction of vegetation during a flood
- (d) cause any adverse effect on the floodway function
- (e) increase the risk of flooding of other land
- (f) obstruct a watercourse.

Bushfire

- 6 The following bushfire protection principles of development control apply to development of land identified as General, Medium and High bushfire risk areas as shown on the *Bushfire Protection Area BPA Maps - Bushfire Risk*.
- 7 Development in a Bushfire Protection Area should be in accordance with those provisions of the *Minister's Code: Undertaking development in Bushfire Protection Areas* that are designated as mandatory for Development Plan Consent purposes.
- 8 Buildings and structures should be located away from areas that pose an unacceptable bushfire risk as a result of one or more of the following:
 - (a) vegetation cover comprising trees and/or shrubs
 - (b) poor access
 - (c) rugged terrain
 - (d) inability to provide an adequate building protection zone
 - (e) inability to provide an adequate supply of water for fire fighting purposes.
- 9 Residential, tourist accommodation and other habitable buildings should:
 - (a) be sited on the flatter portion of allotments and avoid steep slopes, especially upper slopes, narrow ridge crests and the tops of narrow gullies, and slopes with a northerly or westerly aspect
 - (b) be sited in areas with low bushfire hazard vegetation and set back at least 20 metres from existing hazardous vegetation
 - (c) have a dedicated and accessible water supply available at all times for fire fighting.
- 10 Extensions to existing buildings, outbuildings and other ancillary structures should be sited and constructed using materials to minimise the threat of fire spread to residential, tourist accommodation and other habitable buildings in the event of bushfire.
- 11 Buildings and structures should be designed and configured to reduce the impact of bushfire through using simple designs that reduce the potential for trapping burning debris against the building or structure, or between the ground and building floor level in the case of transportable buildings.
- 12 Land division for residential or tourist accommodation purposes within areas of high bushfire risk should be limited to those areas specifically set aside for these uses.
- 13 Where land division does occur it should be designed to:
 - (a) minimise the danger to residents, other occupants of buildings and fire fighting personnel
 - (b) minimise the extent of damage to buildings and other property during a bushfire

- (c) ensure each allotment contains a suitable building site that is located away from vegetation that would pose an unacceptable risk in the event of bushfire
 - (d) ensure provision of a fire hazard separation zone isolating residential allotments from areas that pose an unacceptable bushfire risk by containing the allotments within a perimeter road or through other means that achieve an adequate separation.
- 14 Vehicle access and driveways to properties and public roads created by land division should be designed and constructed to:
- (a) facilitate safe and effective operational use for fire fighting and other emergency vehicles and residents
 - (b) provide for two-way vehicular access between areas of fire risk and the nearest public road.
- 15 Olive orchards should be located and developed in a manner that minimises their potential to fuel bushfires.

Salinity

- 16 Development should not increase the potential for, or result in an increase in, soil and water salinity.
- 17 Preservation, maintenance and restoration of locally indigenous plant species should be encouraged in areas affected by dry land salinity.
- 18 Irrigated horticulture and pasture should not increase groundwater-induced salinity.

Acid Sulfate Soils

- 19 Development and activities, including excavation and filling of land, that may lead to the disturbance of potential or actual acid sulfate soils should be avoided unless such disturbances are managed in a way that effectively avoids the potential for harm or damage to any of the following:
- (a) the marine and estuarine environment
 - (b) natural water bodies and wetlands
 - (c) agricultural or aquaculture activities
 - (d) buildings, structures and infrastructure
 - (e) public health.
- 20 Development, including primary production, aquaculture activities and infrastructure, should not proceed unless it can be demonstrated that the risk of releasing acid water resulting from the disturbance of acid sulfate soils is minimal.

Site Contamination

- 21 Development, including land division, should not occur where site contamination has occurred unless the site has been assessed and remediated as necessary to ensure that it is suitable and safe for the proposed use.

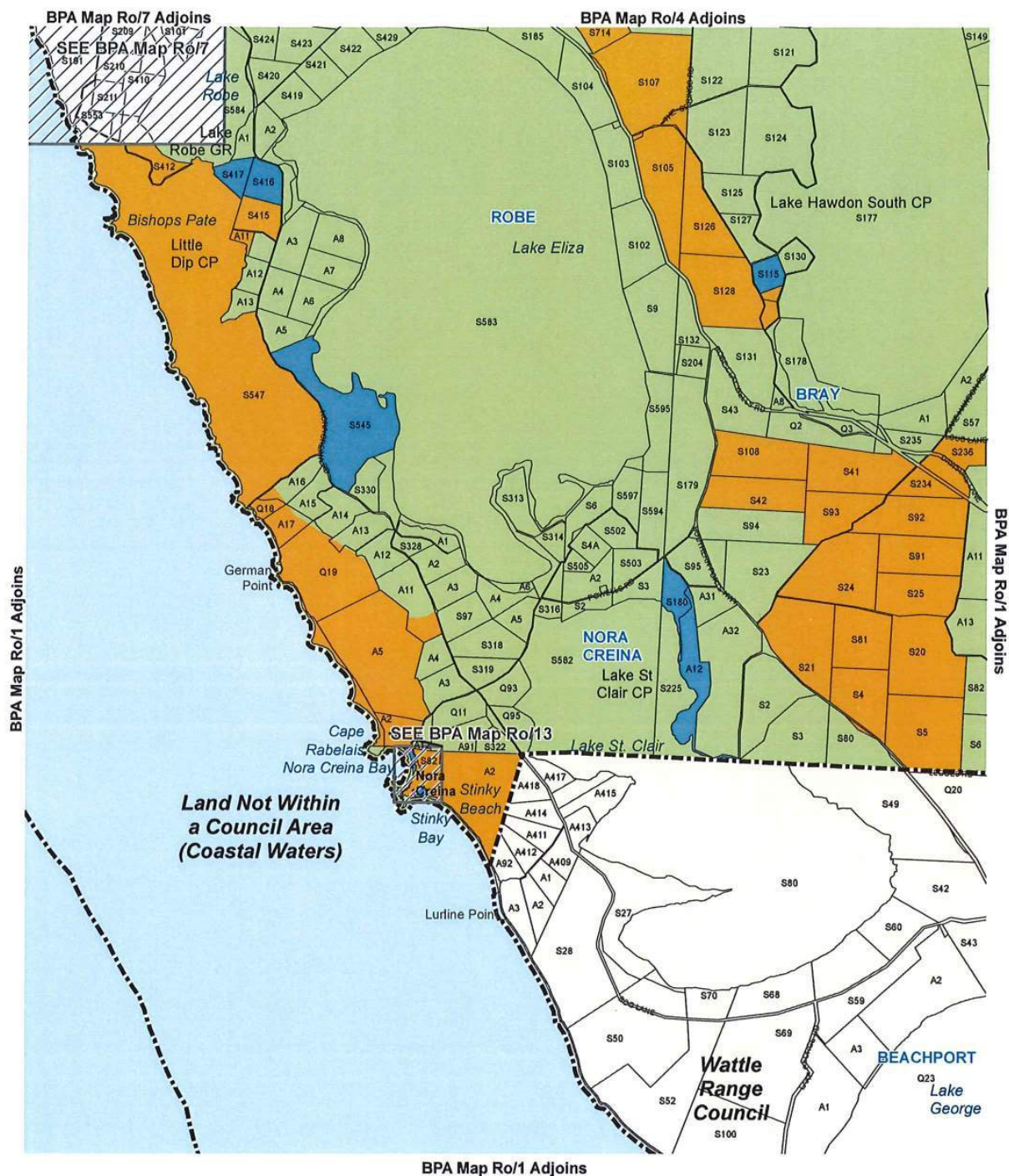
Containment of Chemical and Hazardous Materials

- 22 Hazardous materials should be stored and contained in a manner that minimises the risk to public health and safety and the potential for water, land or air contamination.
- 23 Development that involves the storage and handling of hazardous materials should ensure that these are contained in designated areas that are secure, readily accessible to emergency vehicles, impervious, protected from rain and stormwater intrusion and other measures necessary to prevent:

- (a) discharge of polluted water from the site
- (b) contamination of land
- (c) airborne migration of pollutants
- (d) potential interface impacts with sensitive land uses.

Landslip

- 24 Development, including associated cut and fill activities, should not lead to an increased danger from land surface instability or to the potential of landslip occurring on the site or on surrounding land.
- 25 Development on steep slopes should promote the retention and replanting of vegetation as a means of stabilising and reducing the possibility of surface movement or disturbance.
- 26 Development in areas susceptible to landslip should:
 - (a) incorporate split level designs to minimise cutting into the slope
 - (b) ensure that cut and fill and heights of faces are minimised
 - (c) ensure cut and fill is supported with engineered retaining walls or are battered to appropriate grades
 - (d) control any erosion that will increase the gradient of the slope and decrease stability
 - (e) ensure the siting and operation of an effluent drainage field does not contribute to landslip
 - (f) provide drainage measures to ensure surface stability is not compromised
 - (g) ensure natural drainage lines are not obstructed.



See enlargement map for accurate representation.

BPA Map Ro/1 Adjoins



Bushfire Protection Area BPA Map Ro/5 BUSHFIRE RISK

- High Bushfire Risk
- Medium Bushfire Risk
- General Bushfire Risk
- Development Plan Boundary

ROBE COUNCIL

Consolidated - 15 December 2016

Siting and Visibility

OBJECTIVES

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

PRINCIPLES OF DEVELOPMENT CONTROL

- 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.
- 2 Buildings should be sited in unobtrusive locations and, in particular, should:
 - (a) be grouped together
 - (b) where possible be located in such a way as to be screened by existing vegetation when viewed from public roads
- 3 Buildings outside of urban areas and in undulating landscapes should be sited in unobtrusive locations and in particular should be:
 - (a) sited below the ridgeline
 - (b) sited within valleys or behind spurs
 - (c) sited in such a way as to not be visible against the skyline when viewed from public roads
 - (d) set well back from public roads, particularly when the allotment is on the high side of the road.
- 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 roof lines 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.
- 5 The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.
- 6 The number of buildings and structures on land outside of urban areas should be limited to that necessary for the efficient management of the land.

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

Sloping Land

OBJECTIVES

- 1 Development on sloping land designed to manage visual impacts, minimise impacts on the natural environment and protect soil stability and water quality.

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development and associated driveways and access tracks should be sited and designed to integrate with the natural topography of the land and minimise the need for earthworks.
- 2 Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:
 - (a) minimises their visual impact
 - (b) reduces the bulk of the buildings and structures
 - (c) minimises the extent of cut and/or fill
 - (d) minimises the need for, and the height of, retaining walls
 - (e) does not cause or contribute to instability of any embankment or cutting
 - (f) avoids the silting of watercourses
 - (g) protects development and its surrounds from erosion caused by water runoff.
- 3 Driveways and access tracks across sloping land should be accessible and have a safe, all-weather trafficable surface.
- 4 Development sites should not be at risk of landslip.
- 5 Development on steep land should include site drainage systems to minimise erosion and avoid adverse impacts on slope stability.
- 6 Steep sloping sites in unsewered areas should not be developed unless the physical characteristics of the allotments enable the proper siting and operation of an effluent drainage field suitable for the development intended.
- 7 The cutting and/or filling of land outside townships and urban areas should:
 - (a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation
 - (b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment
 - (c) only be undertaken if the resultant slope can be stabilised to prevent erosion
 - (d) result in stable scree slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.

Coastal Conservation Zone

Refer to the *Map Reference Tables* for a list of the maps that relate to this zone.

OBJECTIVES

- 1 To enhance and conserve the natural features of the coast including visual amenity, landforms, fauna and flora.
- 2 Low-intensity recreational uses located where environmental impacts on the coast will be minimal.
- 3 Development that contributes to the desired character of the zone.

DESIRED CHARACTER

The coastal margins of the council area are an important and integral component of the ecosystem, providing a buffer between the active coastal process and the more stable terrestrial environment beyond.

Because of the level of human intervention in clearing land for agriculture, the coastal areas and dunes systems remain in a largely natural state and provide an important source of habitat and plant diversity.

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

Land in the zone will be retained in a natural state with protection of coastal dunes, cliffs, geological features and associated native vegetation being paramount. Agricultural activity will be limited to existing cleared areas and cliff tops and sand dunes will be excluded from development.

The siting of buildings associated with farming pursuits will be limited to existing cleared areas and the replanting of native vegetation common to the area will be required.

Limited infrastructure associated with the Robe Golf Course (located within the adjoining **Open Space Zone**) is envisaged within the road reserve to west of Section 227 of Hundred Plan 441800 as shown *Concept Plan Map Ro/12 – Robe Golf Course*.

Parts of the zone are at risk of coastal flooding and erosion and this risk will increase in the event of future sea level rise due to climate change.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

- 1 The following forms of development are envisaged in the zone:
 - conservation work
 - interpretive signage and facility
 - small-scale tourism/visitor facility (excluding accommodation).
- 2 Development listed as non-complying is generally inappropriate.
- 3 Buildings and structures should mainly be for essential purposes, such as shelters and toilet facilities associated with public recreation, navigation purposes or necessary minor public works.

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- 4 Development involving the removal of shell grit or sand, other than for coastal protection works purposes, or the disposal of domestic and industrial waste should not be undertaken.
- 5 Aquaculture inlet and outlet pipes should not be developed unless one or more of the following applies:
 - (a) the adjoining land is located in an aquaculture zone
 - (b) the environmental impacts will be minimal.
- 6 Development for residential purposes should not take place except for dwellings and ancillary outbuildings, to a maximum of 1 dwelling per allotment, on Allotment 2001 of Deposited Plan 82834 and Sections 135, 227 and 228 of Hundred Plan 441800.

Form and Character

- 7 Development should not be undertaken unless it is consistent with the desired character for the zone.
- 8 Development should be designed and sited to be compatible with conservation and enhancement of the coastal environment and scenic beauty of the zone.
- 9 Development should:
 - (a) not adversely impact on the ability to maintain the coastal frontage in a stable and natural condition and, in any case, should be setback at least 100 metres from the coastal frontage
 - (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.
- 10 Where public access is necessary in sensitive locations, walkways and fencing should be provided to effectively control access.
- 11 Development should be carried out in accordance with the concepts shown on Concept Plan Map Ro/9 – Evans Cave Road South.
- 12 Dwellings should not be located within 350 metres of the facultative ponds associated with the Community Wastewater Management Scheme.

Land Division

- 13 Except where within **Frenchman Bay Policy Area 1**, land division should only occur where:
 - (a) no additional allotments are created wholly or partly within the zone
 - (b) there is no increase in the number of allotments with direct access to the coast or a reserve including by creation of land under rights of way or community titles.

Frenchman Bay Policy Area 1

Refer to the *Map Reference Tables* for a list of the maps that relate to this policy area.

OBJECTIVES

- 1 Residential development having a low profile and located in concentrated nodes away from dune ridgelines.
- 2 Controlled pedestrian access to Long Beach.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

- 1 The following forms of development are envisaged in the policy area:
 - domestic outbuilding in association with a detached dwelling
 - single storey detached dwelling.

Form and Character

- 2 Development should be carried out in accordance with the concepts shown on *Concept Plan Map Ro/1 – Frenchman Bay Estate Concept Plan*.
- 3 No development should be undertaken that would cause environmental harm by way of erosion or landform alteration, especially to the Guichen Bay beach ridge formation.
- 4 Dwellings should be designed within the following parameters:

Parameter	Value
Minimum setback from primary road frontage	6 metres
Minimum setback from secondary road frontage	4 metres
Minimum setback from side boundaries	1 metres
Minimum setback from rear boundary	6 metres
Maximum site coverage	50 per cent
Maximum building height (from natural ground level)	Single storey with a maximum height of 5 metres
Minimum area of private open space	20 per cent of the site area
Minimum number of on site car parking spaces (one of which should be covered)	2

- 5 Alterations and extensions to existing dwellings on allotments 4, 10, 14, 62 and 162 should be attached to and form an integral part of the existing dwelling and not exceed 10 per cent of the total floor area of the dwelling.

Land Division

- 6 Land division should create allotments having an area of not less than 500 square metres.

PROCEDURAL MATTERS

Complying Development

Complying developments are prescribed in Schedule 4 of the *Development Regulations 2008*.

No other forms of development are complying in the 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
Advertisement and/or advertising hoarding	Except in association with conservation works for tourist information purposes.
Amusement machine centre	
Bus depot	
Caravan park	
Cemetery	
Commercial forestry	
Community centre	
Consulting room	
Crematorium	
Dairy	
Dam	
Dwelling within Frenchman Bay Policy Area 1	<p>Except for a detached dwelling and provided it is not located on:</p> <p>(a) allotments 28 to 61, 63 to 161 and 163 to 166 in Memorandum of Lease Number 280 6503, being portion of Lot 8 in GRO Plan 353 of 1967</p> <p>OR</p> <p>(b) allotments 1 to 3, 5 to 9, 11 to 13, 15 to 22 and 24 to 27 in Memorandum of Lease Number 280 6503, being portion of Lot 8 in GRO Plan 353 of 1967, until such time as the lease terms and conditions attaching to those allotments have been extinguished with the coastal portion of each subject allotment having been vested as coastal reserve, and the remainder divided to accommodate the form of development depicted on the <i>Concept Plan Map Ro/1 – Frenchman Bay Estate Concept Plan</i> and in addition, the lease terms and conditions attaching to Allotments 28 to 61, 63 to 161 and 163 to 166 aforesaid have been extinguished with each of those allotments having been vested as coastal reserve.</p>

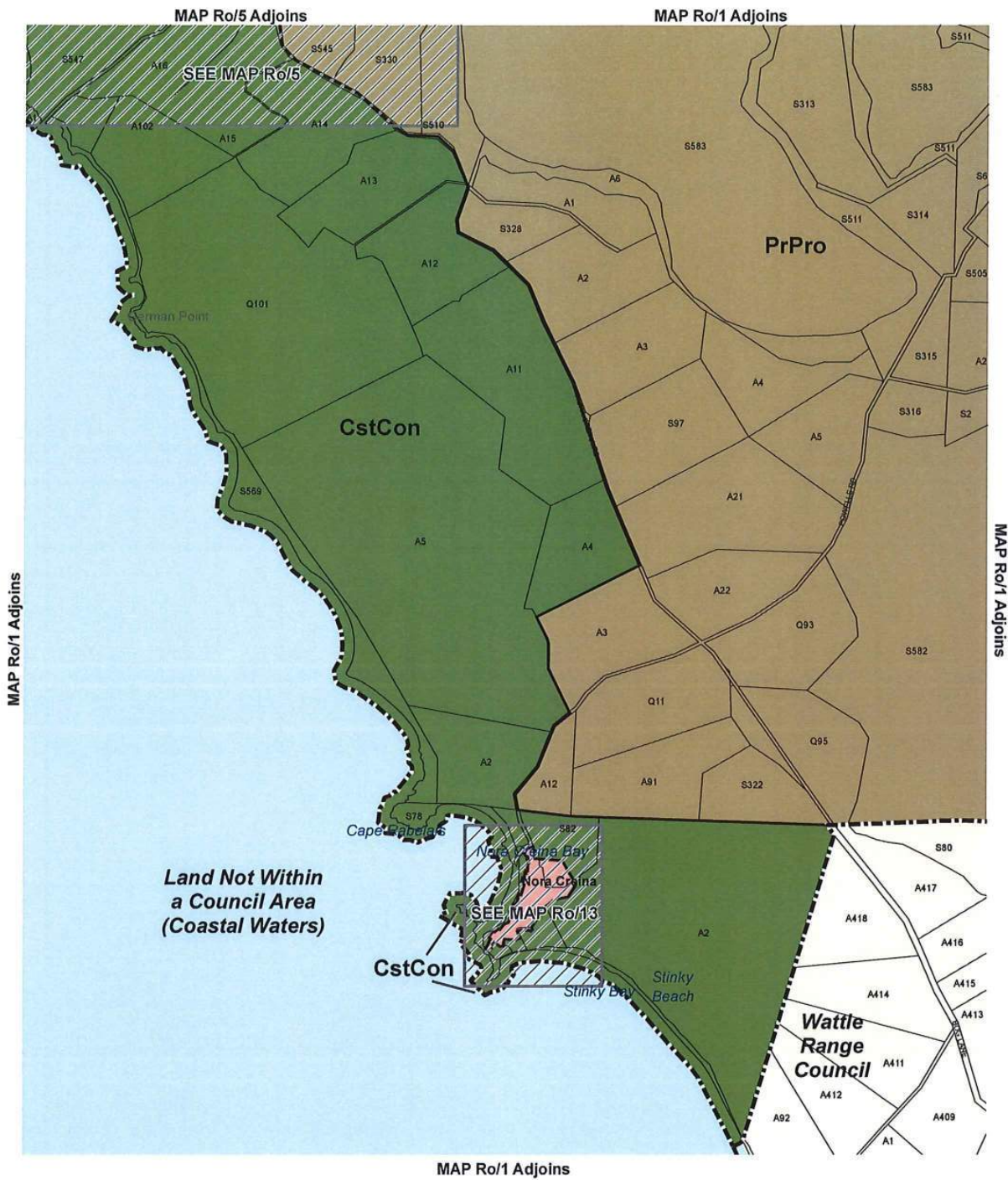
Form of Development	Exceptions
Dwelling elsewhere in the zone	Except where either of the following applies: (a) it is used for the purposes of administering either or both of the: (i) <i>National Parks and Wildlife Act 1972</i> (ii) <i>Wilderness Protection Act 1992</i> (b) it is for a detached dwelling and is located within Allotment 2001 of Deposited Plan 82834 and Sections 135, 227 and 228 of Hundred Plan 441800.
Educational establishment	
Fuel depot	
Horse keeping	
Horticulture	
Hospital	
Hotel	
Indoor recreation centre	
Industry	
Intensive animal keeping	Except inlet and outlet pipes in association with aquaculture.
Land division not located within Frenchman Bay Policy Area 1	Except where all of the following apply: (a) no additional allotments are created wholly or partly within the zone (b) there is no increase in the number of allotments with frontage or direct access to the coast.
Marina	
Motel	
Motor repair station	
Nursing home	
Office	Except where used for the purposes of administering the <i>National Parks and Wildlife Act 1972</i> .
Petrol filling station	
Place of worship	
Pre-school	
Prescribed mining operations	
Public service depot	
Residential flat building	
Road transport terminal	
Service trade premises	
Shop	
Stadium	

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Form of Development	Exceptions
Stock sales yard	
Stock slaughter works	
Store	
Tourist accommodation	
Warehouse	
Waste reception, storage, treatment or disposal	
Water tank	
Wrecking yard	

Public Notification

Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008*.



See enlargement map for accurate representation.
 Lamberts Conformal Conic Projection, GDA94



- Zones**
- CstCon Coastal Conservation
 - PrPro Primary Production
 - Zone Boundary
 - Development Plan Boundary

Zone Map Ro/6