

city of
Victor Harbor



3 May 2023

Contact for Apologies: Deb Beaton
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Dear Member

NOTICE OF MEETING

Notice is hereby given that a meeting for the **Council Assessment Panel** has been called for:-

DATE: 9 MAY 2023

TIME: 5:00pm

PLACE: Council Chambers, 1 Bay Road, Victor Harbor

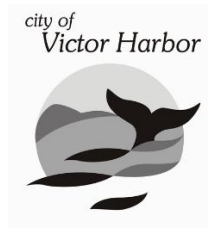
Please find enclosed a copy of the Agenda for the meeting.

Yours faithfully



Ben Coventry
Assessment Manager

Please be advised that filming, photography and audio recording may take place at this meeting when the public and media are not lawfully excluded under Section 90 of the Local Government Act 1999



Council Assessment Panel

Committee Membership

Member	Representative	Appointed	Expires
Independent Member	Michael Doherty	24 August 2020	18 March 2023
Independent Member	Sue Giles	24 August 2020	18 March 2023
Independent Member	Kate Shierlaw	19 March 2021	18 March 2025
Independent Member	Jock Smylie	19 March 2021	18 March 2025
Council Member	Cr Carol Schofield	25 April 2023	November 2024
Deputy Council Member	Cr Michael Quinton	25 April 2023	November 2024
Deputy Member	Cherry Getsom	19 March 2021	18 March 2025

Office Bearer

Presiding Member	Michael Doherty
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1. PRESENT

2. APOLOGIES

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Confirmation of Minutes of Previous Meeting - 14 March 2023

Committee Council Assessment Panel

Meeting Held 09/05/2023

From Debbie Beaton

File Reference GOV9.14.037

RECOMMENDATION

That the minutes of the previous Council Assessment Panel meeting held on 14 March 2023, as per copies provided to members, be adopted as a true and correct record of that meeting.

4. DEVELOPMENT APPLICATIONS - PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT

4.1 Tourist Accommodation comprising 5 self contained accommodation units, a service building, driveway and associated vehicle movement area at Lot 2 Jagger Road, Encounter Bay

Committee	Council Assessment Panel
Meeting Held	09/05/2023
From	Ben Coventry
File Reference	22040230
Subject Land	Lot 2 Jagger Road, Encounter Bay
Applicant	Tirroki Pty Ltd
Zone	Rural Zone
Public Notice	<p><i>In accordance with the Planning, Development and Infrastructure Act 2016 & Regulations 2017, the following have sought to address the Panel in support of their representations:</i></p> <p><i>Ian and Wendy Hartley-Brammer</i></p> <p><i>Jillian Ryan</i></p> <p><i>Johan Bruwer</i></p> <p><i>Robert Halliday</i></p> <p><i>Gary Sauer-Thompson</i></p> <p><i>Samantha Carter</i></p> <p><i>Graeme Walter</i></p> <p><i>Judith Tscharke</i></p> <p><i>James Tscharke</i></p> <p><i>David Broadbent</i></p> <p><i>Con Kapis</i></p> <p><i>Virginia Battye</i></p> <p><i>The applicant and/or a representative have sought to address the Panel in support of the application.</i></p>
Recommendation	Approval

RECOMMENDATION

I recommend that the Council Assessment Panel:

- 1) RESOLVE that the proposed development is NOT seriously at variance with the provisions in the Planning and Design Code.
- 2) RESOLVE to grant Planning Consent to Tirroki Pty Ltd, Development Application ID

22040230 for Tourist Accommodation comprising 5 self contained accommodation units, a service building, driveway and associated vehicle movement area at Lot 2 Jagger Road, Encounter Bay subject to the following conditions.

1. The development shall be in accordance with the plans and details submitted to and approved by Council as part of the application (including drawings prepared by Max Pritchard Gunner Architects – Sheets 01 to 06 dated 25/11/2022; Landscape Plan prepared by LANDSKÅP dated 08.03.2023) except as varied by any subsequent conditions imposed herein.
2. Stormwater run-off shall be collected on-site and discharged without impacting adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.
3. All of the vehicle manoeuvring and parking areas shall be covered with sufficient crushed rock and aggregate to provide a smooth and durable surface free from mud and dust, and shall be maintained in good condition to the reasonable satisfaction of the relevant authority.
4. The use or activities carried out shall not detrimentally affect the amenity of the locality by reason of noise, smell, fumes, smoke or litter.
5. The external materials and finishes of the development shall be of a low light-reflective nature.
6. The site shall be landscaped to achieve a high level of amenity to complement the locality and to the reasonable satisfaction of Council.
7. The proposed building is in a medium risk bushfire protection area. The dedicated water supply and associated fittings shall be in accordance with the Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements.

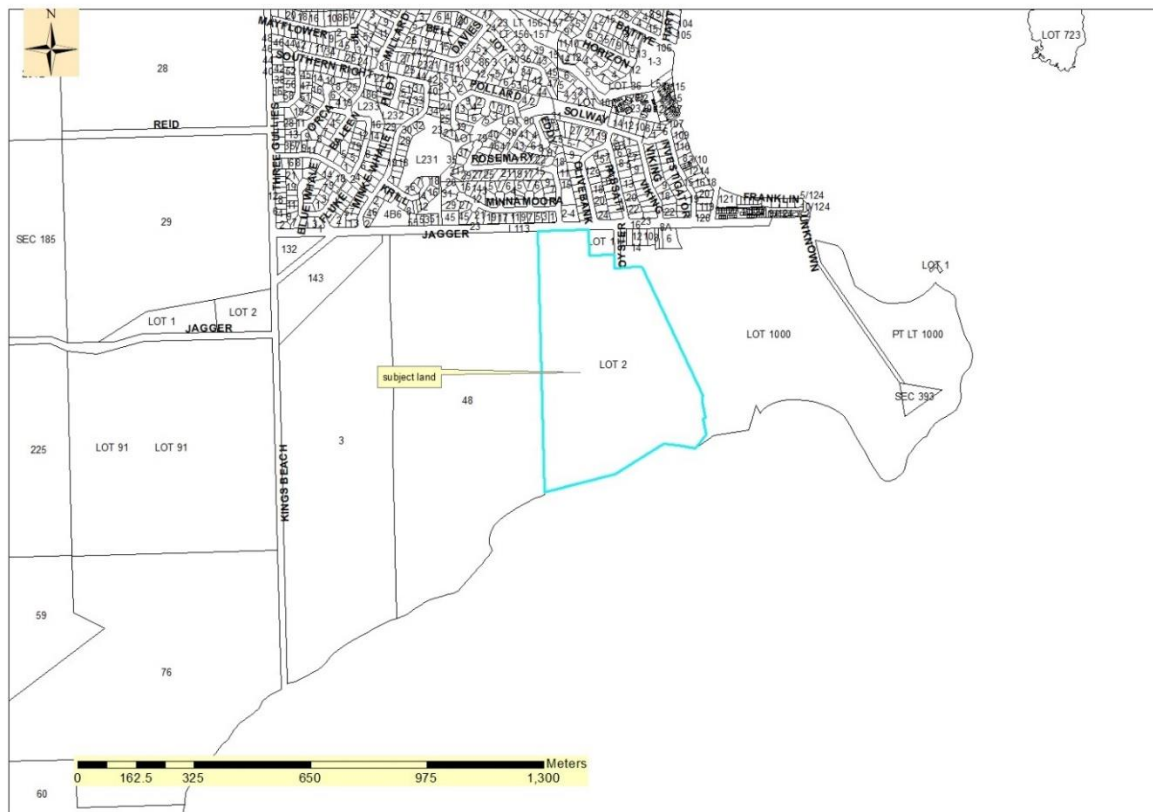
SUBJECT LAND

The subject land is described as Lot 2 Jagger Road, Encounter Bay, and is the land to which Certificate of Title Volume 5708 Folio 15 refers. It is an irregular shaped parcel of farming land that is accessed via Jagger Road and used in conjunction with the adjoining farming property to the north. The parcel of land is 23.75ha in area with a frontage of 141.28m to Jagger Road and a frontage of 453m to the coast. The land is undulating, extends down to the coastline, is utilised for grazing and farming, there are no structures on the site and limited vegetation in two pockets, one adjoining Jagger Road and another on a small rocky outcrop along the western boundary. The Heritage Trail (also known as Kings Head Hike) which is a spur trail connected to the Heysen Trail runs along the coastline on the southern edge of the property partly in the subject land.

LOCALITY

The locality surrounding the subject land is that of open grazing and farming land on the southern side of Jagger Road which is bordered to the south by the coastline and the Southern Ocean. To the west is open farming and grazing land with scattered dwellings and associated outbuildings. To the north of Jagger Road is the residential area of Encounter Bay which comprises single and double storey dwellings in multiple types and forms. To the east of the subject land is the Rosetta Head or The Bluff reserve.

The wider character of the locality is open farming land with low density and scattered development adjoining the developed residential area of Encounter Bay which is framed by the southern coastline.





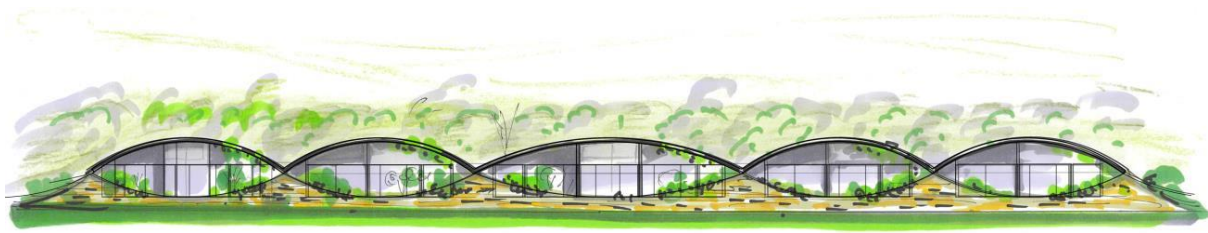
PROPOSAL

The applicant proposes to construct tourist accommodation units in the form of a single storey building comprising five units, a service building and associated car parking and vehicle manoeuvring area.

The units each have individual entry points and service yards and contain the following;

- Units 1, 2, 4 and 5 are single units comprising a bedroom with ensuite, kitchen/lounge area and outside deck area, unit 5 has an accessible ensuite, has a floor area of 138m² and a single car port.
- Unit 3 is a double unit comprising two bedrooms with ensuites, kitchen/lounge area, outside deck area and a hot tub, it has a floor area of 203m² and a double car port.
- The service building comprises a laundry, storage shed and battery/inverter room with a floor area of 70m².

The building has a curved footprint and curved roof line for each unit, roofing is colourbond in windspray/basalt, walls are of rendered blockwork/fibre cement painted grey/off white/ochre and includes natural stone and aluminium windows. The curved footprint of the building provides privacy for each of the units while still obtaining individual coastal views of the coast. The carparking area is situated behind the building.



Eastern Elevation showing curved roof form – from applicant documents.

A landscaping and revegetation plan has been provided as part of the response to representations which includes landscaping around the new buildings and the revegetation of the lower gully area towards the south of the subject land.

Copies of the subject development proposal are provided in [Attachment 1](#).

PUBLIC NOTIFICATION

Generally, all classes of performance assessed development require public notification unless, pursuant to Section 107 (6) of the PDI Act, the class of development is specifically excluded from notification by the Code in Table 5 – Procedural Matters (PM) – Notification of the relevant Zone.

In the Rural Zone “Tourist accommodation” is excluded from public notification except if the tourist accommodation does not satisfy any of the following Rural Zone DTS/DPF 6.3(b) or Rural Zone DTS/DPF 6.4.

Rural Zone DTS/DPF 6.3(b) in relation to the area used for accommodation:

- (i) where in a new building, does not exceed a total floor area of 100m²
- (ii) where in an existing building, does not exceed a total floor area of 150m²

The total floor area of the new building exceeds 100m² in total floor area and the application was subsequently notified.

At the expiration of the public notification process 40 representations were recorded on the Planning Portal of these one has been withdrawn, one was recorded twice, and another was recorded three times as such 35 representations were received. Thirteen representors have indicated that they wish to address the panel.

In summary, the key concerns raised in the representations include the following;

- Inappropriate land use in the zone
- Opposed to rezoning
- Impact on the local landscape and The Bluff
- Impact on Views
- Environmental impacts
- Impact on wildlife
- Increased traffic
- Scale of the development

- Noise
- Sewerage and wastewater disposal

A copy of the representations received is provided within [Attachment 2](#). (The withdrawn representation and duplicate representations from Hartley-Brammer and Bruwer have not been included in the attachment and account for the inconsistent representor numbering which is part of the automatic Planning Portal output.)

A copy of the applicant's response to representation is contained within [Attachment 3](#). In the response to the representations the applicant has provided a landscape plan prepared by Landsk  p, a photomontage prepared by Max Pritchard Gunner Architects and traffic advice prepared by Cirqa.

The response to representations has addressed the matters raised in the representations and it should be noted that the development assessment process is not a mechanism that allows for rezoning of land.

REFERRAL

The application required agency referral to the Coast Protection Board as per the provisions within the Coastal Areas Overlay.

A copy of Coast Protection Board referral response is provided in [Attachment 4](#) of this report. The Coast Protection Board has advised that the development is consistent with the Board Policies and it has no objection to the proposed development, no conditions are required by the Coast Protection Board to be imposed.

ASSESSMENT

The proposal for tourist accommodation is classified as a Code Assessed - Performance Assessed development in the Rural Zone with specified assessment pathway.

In addition to assessment against the Rural Zone policies and General Development policies of the Code are the provisions in the applicable Overlays as follows;

- Coastal Areas
- Environment and Food Production Area
- Hazards (Bushfire - Medium Risk)
- Heritage Adjacency
- Hazards (Flooding - Evidence Required)
- Limited Land Division
- Native Vegetation
- Prescribed Water Resources Area
- Significant Landscape Protection
- Water Resources

The applicable provisions as identified by the assessment pathway are as follows:

Rural Zone

Desired Outcome: DO 1, DO 2

Performance Outcome: PO 1.1, PO 2.1, PO 2.2, PO 6.3, PO 6.4, PO 8.1, PO 10.1

Coastal Areas Overlay

Desired Outcome: DO 1, DO 2

Performance Outcome: PO 2.1, PO 2.2, PO 2.3, PO 2.4, PO 3.1, PO 3.2, PO 4.1, PO 4.2, PO 4.3, PO 4.4, PO 4.5, PO 4.6, PO 4.7, PO 5.1, PO 5.2, PO 5.4

Hazards (Bushfire-Medium Risk) Overlay

Desired Outcome: DO 1, DO 2

Performance Outcome: PO 1.1, PO 2.1, PO 3.1, PO 3.2, PO 3.3, PO 5.1, PO 5.2, PO 5.3

Hazards (Flooding – Evidence Required) Overlay

Desired Outcome: DO 1

Performance Outcome: PO 1.1

Native Vegetation Overlay

Desired Outcome: DO 1

Performance Outcome: PO 1.1, PO 1.2, PO 1.4

Heritage Adjacency Overlay

Desired Outcome DO 1

Performance Outcome: PO 1.1

Significant Landscape Protection

Desired Outcome: DO 1

Performance Outcome: PO 1.1, PO 2.1, PO 2.2PO 3.1, PO 4.1

Water Resources Overlay

Desired Outcome: DO 1

Performance Outcome: PO 1.1, PO 2.1, PO 2.2PO 3.1, PO 4.1

General Development Policies

Clearance from Overhead Powerlines

Desired Outcome: DO 1

Performance Outcome: PO 1.1

Design

Desired Outcome: DO 1

Performance Outcome: PO 1.4, PO 6.1, PO 7.4, PO 7.5, PO 8.1

Infrastructure and Renewable Energy Facilities

Desired Outcome: DO 1

Performance Outcome: PO 11.2, PO 12.1, PO 12.2

Interface between land uses

Desired Outcome: DO 1

Performance Outcome: PO 9.3, PO 9.3, PO 9.4, PO 9.5, PO 10.1

Site Contamination

Desired Outcome: DO 1

Performance Outcome: PO 1.1

Tourism Development

Desired Outcome: DO 1

Performance Outcome: PO 1.1, PO 1.2

Transport, Access and Parking

Desired Outcome: DO 1

Performance Outcome: PO 1.4, PO 3.1, PO 3.5, PO 4.1, PO 5.1, PO 6.1, PO 6.2, PO 6.6

Rural Zone

DO 1 A zone supporting the economic prosperity of South Australia primarily through the production, processing, storage and distribution of primary produce, forestry and the generation of energy from renewable sources.

DO 2 A zone supporting diversification of existing businesses that promote value-adding such as industry, storage and warehousing activities, the sale and consumption of primary produce, tourist development and accommodation.

PO 1.1 The productive value of rural land for a range of primary production activities and associated value adding, processing, warehousing and distribution is supported, protected and maintained.

DTS/DPF 1.1 Development comprises one or more of the following:
(v) Tourist accommodation

The proposed development is seeking consent for the construction of a single storey building comprising five tourist accommodation units. Tourist accommodation is an envisaged form of development for the Rural Zone by virtue of the Desired Outcomes for the zone and Performance Outcome 1.1 and it achieves DPF 1.1. The proposed application provides appropriately designed and positioned tourist accommodation which value adds to the rural land without unduly impacting on the primary production capacity of the subject land or surrounding rural properties.

PO 2.1 Development is provided with suitable vehicle access.

DTS/DPF 2.1 Development is serviced by an all-weather trafficable public road.

The proposed development will utilise an existing access point on Jagger Road which is sealed and will be serviced with an all weather driveway.

PO 2.2 Buildings are generally located on flat land to minimise cut and fill and the associated visual impacts.

DTS/DPF 2.2 Buildings:

- (a) are located on sites with a slope not greater than 10% (1-in-10)*
- (b) do not result in excavation and/or filling of land greater than 1.5m from natural ground level.*

The proposed site for the development is close to existing vegetation along the western boundary of the property and while not flat, the design of the building reflects the slope and undulations of the site which will minimise associated visual impacts. The extent of proposed cut and fill is less than 1m from natural ground level.

DO 6.3 Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences.

DTS/DPF 6.3

(a) is ancillary to and located on the same allotment or an adjoining allotment used for primary production or primary production related value adding industry

(b) (i) in relation to the area used for accommodation: where in a new building, does not exceed a total floor area of 100m²

(ii) where in an existing building, does not exceed a total floor area of 150m²

(c) does not result in more than one facility being located on the same allotment.

PO 6.4 Tourist accommodation proposed in a new building or buildings is sited, designed and of a scale that maintains a pleasant rural character and amenity.

DTS/DPF 6.4 Tourist accommodation in new buildings:

(a) is set back from all allotment boundaries by at least 40m

(b) has a building height that does not exceed 7m above natural ground level.

The proposed tourist accommodation is a value adding activity that provides for an authentic visitor experience due to the views and environment that the accommodation is situated within.

The proposed development is ancillary to and located on an allotment used for primary production. The development is in a new building which has a floor area that exceeds 100m² being approximately 826m² in area. The development does not result in more than one facility being located on the allotment.

The building is setback 40m from the western property boundary, which is under the same ownership, the setback to Jagger Road is approximately 450m, the setback to The Bluff reserve is approximately 388m and 175m to the coast. The curved roof design results in a varied roof height ranging from 2.8m to 4.89m which is well below 7m.

The proposed development achieves DPF 6.3 and 6.4 except for DPF 6.3(b) as the floor area exceeds 100m² for a new building however the variance to this element of the DPF is considered to be acceptable in this instance as the proposal achieves both Performance Outcomes 6.3 and 6.4. The development will provide an authentic visitor experience in a building that is sited, designed and of a scale and form that maintains the existing rural character and amenity of the locality.

Further it is noted in the Planning and Design Code that the purpose of a Designated Performance Feature is:-

“In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.”

PO 10.1 Large buildings are designed and sited to reduce impacts on scenic and rural vistas by:

(a) having substantial setbacks from boundaries and adjacent public roads

(b) using low-reflective materials and finishes that blend with the surrounding landscape

(c) being located below ridgelines.

The proposed development is positioned below the ridgeline and is adjacent to existing vegetation that will act as a backdrop to the buildings. The substantial setbacks from boundaries and the public roads are such that it will not be visible from Jagger Road. The building has been designed with a varied curved roof which is of similar form to the undulating form of the land in this locality and utilises materials and colour palate that will blend with the surrounding landscape.

The development will be visible from The Bluff and along parts of the adjoining walking trail however the setbacks of the development, the low curved profile of the building and the existing vegetation is such that in my opinion the potential visual impact that a building in this locality could have has been reduced and does not detract from the rural vistas.

Below is a photograph from the summit of The Bluff showing the view across the subject land, tree line in the middle ground, also shows the residential dwellings in Encounter Bay.



The below photograph is from the Heritage Trail that runs along and partially through the subject land on the southern side adjacent the coast. In areas along the trail the proposed development will be visible however the setback from the track, the slope of the land both on the property and along the track and the backdrop of vegetation will all combine to limit views and have an overall minimal visual impact. Further, the proposed landscaping and revegetation will overtime reduce visibility from the track.



Coastal Areas Overlay

The application was referred to the Coast Protection Board which in response does not object to the proposed development.

DO 1 The natural coastal environment (including environmentally important features such as mangroves, wetlands, saltmarsh, sand dunes, cliff tops, native vegetation, wildlife habitat, shore and estuarine areas) is conserved and enhanced.

DO 2 Provision is made for natural coastal processes; and recognition is given to current and future coastal hazards including sea level rise, flooding, erosion and dune drift to avoid the need, now and in the future, for public expenditure on protection of the environment and development.

PO 2.1 Buildings sited over tidal water or that are not capable of being raised or protected by flood protection measures in the future are protected against the standard sea flood risk level and 1m of sea level rise.

PO 2.2 - Development, including associated roads and parking areas, but not minor structures unlikely to be adversely affected by flooding, is protected from the standard sea flood risk level and 1m of sea level rise.

The development is not subject to a coastal flooding or erosion hazard risk.

PO 5.1 - Development maintains or enhances appropriate public access to and along the foreshore.

The proposed development does not impact or alter existing public access along the foreshore or the Heritage Trail. It is noted that the Heysen Trail does not adjoin the subject land but turns north at Kings Beach Road with the trail adjacent to the subject land being a spur trail from the Heysen Trail.

PO 5.4 - Development on land adjoining a coastal reserve is sited and designed to be compatible with the purpose, management and amenity of the reserve and to prevent inappropriate access to or use of the reserve.

The Coast Protection Board has provided considerable commentary on the visual impacts of the proposed development in the referral response with the following considered to be appropriate.

The allotment upon which the development is sited is part of a spectacular coastline that is sparsely developed and has a highly valued scenic amenity. Scenic amenity underpins the tourism economy of this region, and the Heysen Trail, along with a select few visitor vantage points on the Bluff and surrounds provides for exceptional vistas and experiences which should not be spoilt by development.

The Board has considered the degree to which the proposed development will impact on the visitor experience along the subject section of coastline. In doing so it has considered:

- the siting, scale and design of the proposed development
- the visibility of the proposed development from a key visitor carpark and lookout on the Bluff, and from the Heysen Trail
- the overall nature of the subject landscape and the location of that development within that landscape.

As per Figure 3 the proposed development will be visible from vantage points on the Bluff, however it is reasonably distant and more importantly it is set back from the coastal edge (to which people's attention is drawn), and not silhouetted above a ridgeline beyond. Established native vegetation lies beyond the proposed development and proposed vegetation plantings have been designed to further soften its visibility. Further landward other development is visible, including residential subdivision.



Figure 3: Rendition of visibility of proposed development from The Bluff carpark lookout.
Source: Application documents

The Board has not been able to determine the extent to which the proposed development will be visible from hikers along the Heysen Trail, although it is well landward from the trail and persons utilising it generally have a focus on coastal cliff edges, beaches, West Island and the Southern Ocean.

In total the buildings will represent a minor component of the overall vista from vantage points and will not significantly detract from the coastal experience. As such it is not at odds with the above Board policies.

Hazards (Bushfire – Medium Risk) Overlay

DO 1 Development, including land division responds to the medium level of bushfire risk and potential for ember attack and radiant heat by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change.

DO 2 To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.

PO 1.1 Buildings and structures are located away from areas that pose an unacceptable bushfire risk as a result of vegetation cover and type, and terrain.

PO 2.1 Buildings and structures are designed and configured to reduce the impact of bushfire through using designs that reduce the potential for trapping burning debris against or underneath the building or structure, or between the ground and building floor level in the case of transportable buildings and buildings on stilts.

PO 3.1 To minimise the threat, impact and potential exposure to bushfires on life and property, residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited on the flatter portion of allotments away from steep slopes.

PO 3.2 Residential, tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited away from vegetated areas that pose an unacceptable bushfire risk.

PO 3.3 Residential, tourist accommodation and habitable buildings for vulnerable communities, (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation), has a dedicated area available that is capable of accommodating a bushfire protection system comprising firefighting equipment and water supply in accordance with Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements.

PO 5.1 Roads are designed and constructed to facilitate the safe and effective:

- (a) access, operation and evacuation of fire-fighting vehicles and emergency personnel*
- (b) evacuation of residents, occupants and visitors.*

PO 5.2 Access to habitable buildings is designed and constructed to facilitate the safe and effective:

- (a) access, operation and evacuation of fire-fighting vehicles and emergency personnel*
- (b) evacuation of residents, occupants and visitors.*

PO 5.3 Development does not rely on fire tracks as means of evacuation or access for fire-fighting purposes unless there are no safe alternatives available.

The proposed development is considered to be consistent with the desired outcomes and performance outcomes for the Hazards (Bushfire – Medium Risk) Overlay, it is not located in an area that poses an unacceptable bushfire risk and has direct access to a public road.

Hazards (Flooding - Evidence Required) Overlay

DO 1 Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.

PO 1.1 Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.

Due to the topography of the land the proposed development is well above road level, and it is not considered to be sited such that entry of flood waters would likely occur or result in undue damage.

Heritage Adjacency Overlay

DO 1 Development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those Places.

PO 1.1 Development adjacent to a State or Local Heritage Place does not dominate, encroach on or unduly impact on the setting of the Place.

While the subject land does adjoin a property containing a heritage listed building, the separation, siting and nature of the proposed development is such that it will not dominate, encroach on or unduly impact the setting of the place.

Native Vegetation Overlay

DO 1 Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.

PO 1.1 Development avoids, or where it cannot be practically avoided, minimises the clearance of native vegetation taking into account the siting of buildings, access points, bushfire protection measures and building maintenance.

No native vegetation clearance is proposed, and a signed declaration has been provided.

Significant Landscape Protection Overlay

DO 1 Conservation of the natural and rural character and scenic and cultural qualities of significant landscapes.

PO 1.1 Land use intensity is restrained to conserve and enhance natural and rural character.

The proposed tourist accommodation is low in intensity when compared to the size of the subject land and is positioned adjacent to existing vegetation so as to minimise the potential visual impact of built form on the site.

PO 2.1 Development is carefully sited and designed to:

- (a) complement rural or natural character*
- (b) minimise disruption to natural landform*
- (c) integrate existing natural environmental features, including native vegetation*
- (d) minimise impacts on wildlife habitat*
- (e) be low-scale*
- (f) be visually unobtrusive and blend in with the surrounding area*
- (g) be located below ridge lines.*

PO 2.2 Buildings and structures are limited to those that:

- (a) are ancillary, adjacent to, and of the same or lesser scale as existing buildings*
- (b) support desired outcomes of the relevant zone or subzone*
- (c) are used for the ancillary sale of produce associated with a pastoral or rural activity*
- (d) are in the form of high-quality, nature-based tourist accommodation*
- (e) are for rainwater storage*
- (f) are for research or education purposes*
- (g) support conservation or the interpretation of the environment or cultural features.*

PO 3.1 Landscaping comprises locally indigenous species to enhance landscape quality and habitat restoration.

The proposed building is in the form of a high-quality, nature-based tourist accommodation which supports the desired outcomes of the Rural Zone. The building has been positioned adjacent to existing vegetation which will provide a backdrop for the development and avoid sky lining of the building.

The form of the building with curved roofs to each unit and an overall curve to the footprint reflect the undulating slope and nature of the land which will minimise the visual impact of the building when viewed from a distance. The material choices and colours blend with the environment and extensive landscaping is proposed around the building and towards the southern boundary of the site to further reduce the potential visual impact.

PO 4.1 Excavation and filling of land is limited to that associated with:

- (a) minimising the visual impact of buildings*
- (b) construction of water storage facilities.*

The extent of cut and fill has been limited with the building being of a low profile and curved roof reducing the overall height of the building and potential impacts. The car parking area will include retaining walls to achieve a level parking area which allows for the parking to be situated behind the building further reducing the potential visual intrusion.

Water Resources Overlay

DO 1 Protection of the quality of surface waters considering adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as a result of climate change.

DO 2 Maintain the conveyance function and natural flow paths of watercourses to assist in the management of flood waters and stormwater runoff.

PO 1.1 Watercourses and their beds, banks, wetlands and floodplains (1% AEP flood extent) are not damaged or modified and are retained in their natural state, except where modification is required for essential access or maintenance purposes.

The proposed development is not situated in or adjacent to a watercourse and will not adversely affect surface water or water quality.

General Development Policies

Clearance from Overhead Powerlines

PO 1.1 Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.

DTS/DPF 1.1 One of the following is satisfied:

(a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996 (b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.

A declaration has been provided with the application.

Design

PO 6.1 Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.

Preliminary investigations undertaken by the applicants engineer indicate that the site is appropriate for an on-site effluent disposal system.

PO 8.1 Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.

DTS/DPF 8.1 Development does not involve any of the following:

- (a) excavation exceeding a vertical height of 1m*
- (b) filling exceeding a vertical height of 1m*
- (c) a total combined excavation and filling vertical height of 2m or more.*

The proposed development does incorporate cut and fill exceeding 1m however it is considered that the proposed cut and fill across the site and the associated retaining walls and design of the building is appropriate for the site and will not have an unacceptable level of disturbance to the natural topography and existing views of the site.

Infrastructure and Renewable Energy Facilities

PO 11.2 Dwellings are connected to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the intended use. Where this is not available an appropriate rainwater tank or storage system for domestic use is provided.

The water supply will be provided via rainwater collected on site with a larger holding tank and small individual tanks for each unit.

PO 12.1 Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate onsite service is provided to meet the ongoing requirements of the intended use in accordance with the following.

Previously discussed, approval will be required for an on-site waste control system.

Interface between Land Uses

DO 1 Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

PO 9.3 Sensitive receivers are located and designed to mitigate potential impacts from lawfully existing land-based aquaculture activities and do not prejudice the continued operation of these activities.

PO 9.4 Sensitive receivers are located and designed to mitigate potential impacts from lawfully existing dairies including associated wastewater lagoons and liquid/solid waste storage and disposal facilities and do not prejudice the continued operation of these activities.

PO 9.5 Sensitive receivers are located and designed to mitigate the potential impacts from lawfully existing facilities used for the handling, transportation and storage of bulk commodities (recognising the potential for extended hours of operation) and do not prejudice the continued operation of these activities.

PO 10.1 Sensitive receivers are separated from existing mines to minimise the adverse impacts from noise, dust and vibration.

The proposed development achieves the DPF's for the above provisions as there are no land based aquaculture activities located within 200m, there are no dairy's and associated waterwater lagoon(s) within 500, there are no bulk transport facilities within 500m and there are no extractive industries within 500m of the subject land.

Site Contamination

PO 1.1 Ensure land is suitable for use when land use changes to a more sensitive use.

DTS/DPF 1.1 Development satisfies (a), (b), (c) or (d):

(a) does not involve a change in the use of land

The proposed development satisfies DTS/DPF 1.1 part a and does not involve a change in land use.

Tourism Development

DO 1 Tourism development is built in locations that cater to the needs of visitors and positively contributes to South Australia's visitor economy.

PO 1.1 Tourism development complements and contributes to local, natural, cultural or historical context where:

(a) it supports immersive natural experiences

(b) it showcases South Australia's landscapes and produce

(c) its events and functions are connected to local food, wine and nature.

PO 1.2 Tourism development comprising multiple accommodation units (including any facilities and activities for use by guests and visitors) is clustered to minimise environmental and contextual impact.

The proposal is for tourist accommodation that is clustered to minimise environmental and contextual impact while providing privacy for each of the units. The location offers panoramic views of the Southern Ocean providing an immersive natural experience which showcases the regions landscapes and provides direct access to walking trails and the coast.

Transport, Access and Parking

DO 1 A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.

PO 1.4 Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.

All vehicle movements associated with the development occur on the subject land and do not involve queuing or interruptions to the public road.

PO 3.1 Safe and convenient access minimises impact or interruption on the operation of public roads.

DTS/DPF 3.1 The access is: (a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land.

Access is provided from a lawfully existing access on Jagger Road.

PO 4.1 Development is sited and designed to provide safe, dignified and convenient access for people with a disability.

PO 5.1 Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:

- (a) availability of on-street car parking*
- (b) shared use of other parking areas*
- (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared*
- (d) the adaptive reuse of a State or Local Heritage Place.*

DTS/DPF 5.1

Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:

- (a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements*
- (b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas*
- (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.*

Tourist accommodation - 1 car parking space per accommodation unit / guest room.

The proposed development contains 5 accommodation units in which four have single bedrooms and one has two bedrooms which would require 6 spaces as per the requirements of Table 1. The proposed development includes a single carport for the single bedroom units and a double carport for the two-bedroom unit which achieves the minimum requirement.

PO 6.1 Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.

PO 6.2 Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.

PO 6.3 Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site.

The vehicle parking area is situated behind the proposed development and is all contained on the subject land with no impacts on the public road network.

CONCLUSION

The subject proposal seeks consent for the construction of a single storey building comprising five tourist accommodation units, a service building and associated driveway and vehicle movement areas on the subject land at Lot 2 Jagger Road, Encounter Bay. The subject land is located within the Rural Zone for which tourist accommodation is an anticipated land use. Assessment of the proposed development indicates that on balance the proposal meets the applicable Planning and Design Code policies relevant to the proposal such as land use, setbacks; on-site carparking, access and manoeuvring; interface between land uses; Significant Landscape Protection overlay and Coast Protection Board referral.

Therefore, having considered all the relevant provisions of the Planning and Design Code, it is considered that the subject development proposal is not seriously at variance with the relevant provisions of the Code and has sufficient merit to warrant the granting of consent.



Attachment 1

ROSETTA



ROSETTA - TOURIST ACCOMMODATION (FARM STAY)

LOT 2, JAGGER ROAD
ENCOUNTER BAY 5211
SOUTH AUSTRALIA

T +61 8 8376 2314
admin@mpgarchitects.com.au
PO Box 808, Glenelg SA 5045
www.mpgarchitects.com.au

ISSUED
25/11/2022
SHEET



LOCATION PLAN
1:5000

ROSETTA - TOURIST ACCOMMODATION (FARM STAY)

LOT 2, JAGGER ROAD
ENCOUNTER BAY 5211
SOUTH AUSTRALIA



T +61 8 8376 2314
admin@mpgarchitects.com.au
PO Box 809, Glenelg SA 5045
www.mpgarchitects.com.au

ISSUED
25/11/2022
SHEET
01



ROSETTA - TOURIST ACCOMMODATION (FARM STAY)

LOT 2, JAGGER ROAD
ENCOUNTER BAY 5211
SOUTH AUSTRALIA



T +61 8 8376 2314
admin@mpgarchitects.com.au
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www.mpgarchitects.com.au

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SHEET
02





FLOOR PLAN
1:100

ROSETTA - TOURIST ACCOMMODATION (FARM STAY)

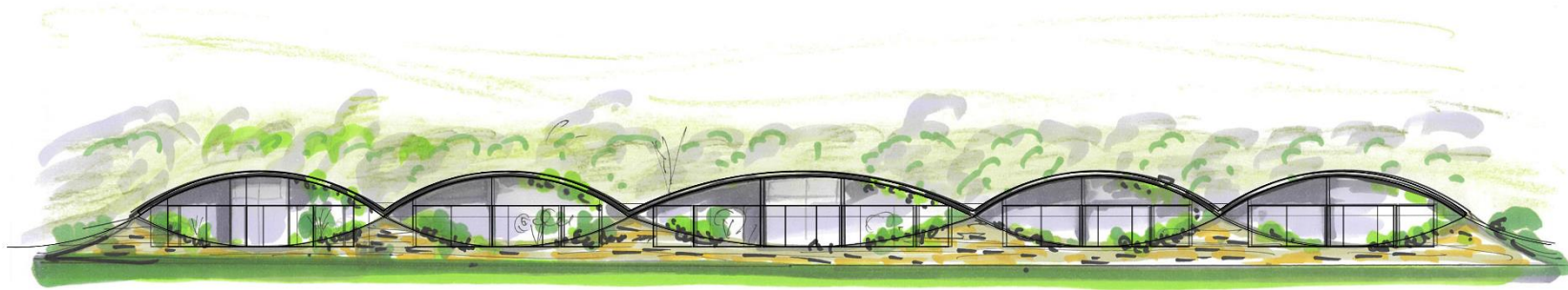
LOT 2, JAGGER ROAD
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ISSUED
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04

Materials
 Roofing - Colorbond Windspray / Basalt
 Walls - Rendered blockwork / fibre cement painted Grey / Off White / Ochre,
 Stone - Natural stone laid in random pattern
 Windows - Aluminium



EAST ELEVATION
 1:2500



WEST ELEVATION
 1:2500

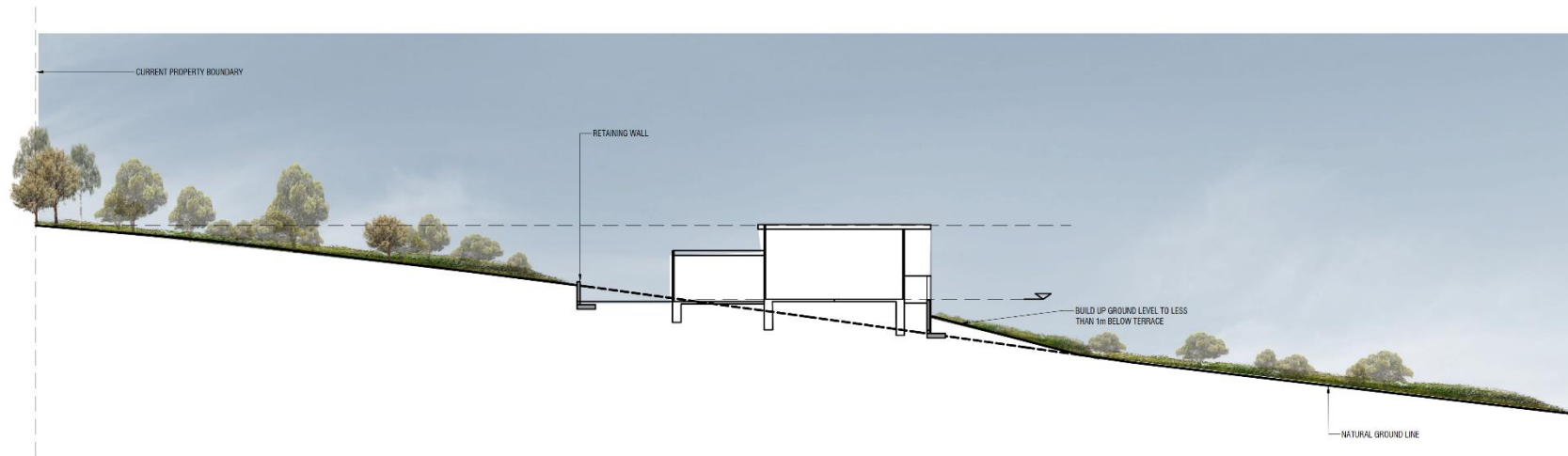
ROSETTA - TOURIST ACCOMMODATION (FARM STAY)

LOT 2, JAGGER ROAD
 ENCOUNTER BAY 5211
 SOUTH AUSTRALIA

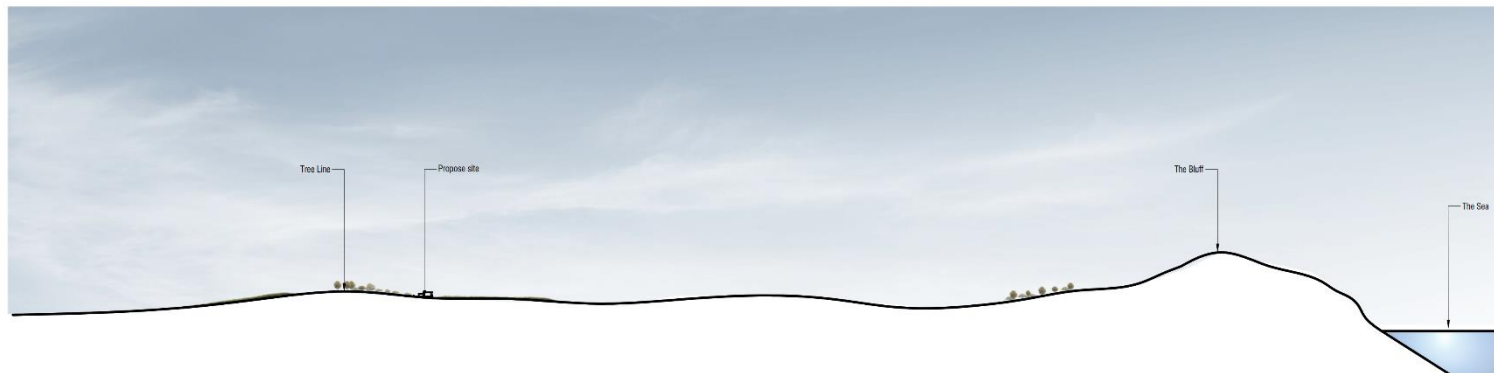


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ISSUED
 25/11/2022
 SHEET
 05



SECTION
1:250



<p>LOT 2, JACGER ROAD ENCOUNTER BAY 5211 SOUTH AUSTRALIA</p>	<p>ROSETTA - TOURIST ACCOMMODATION (FARM STAY)</p>		<p>T +61 8 8376 2314 admin@mpgarchitects.com.au PO Box 809, Glenelg SA 5045 www.mpgarchitects.com.au</p>	<p>ISSUED 25/11/2022 SHEET 06</p>

Attachment 2

Details of Representations

Application Summary

Application ID	22040230
Proposal	5 self contained accommodation units and service building. Associated services, access driveway and gate at entry to property.
Location	LOT 2 JAGGER RD ENCOUNTER BAY SA 5211

Representations

Representor 1 - Millie Moore

Name	Millie Moore
Address	6 Thompson Court ENCOUNTER BAY SA, 5211 Australia
Submission Date	10/01/2023 02:13 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

The drawcard of Victor Harbor, Encounter Bay and the Bluff area is the 'small community town' atmosphere, open natural spaces and the farm lands that surround it. Tourists travel here, and people also chose to live here, for the purpose of retreating from the congested, busy, fast-paced way of city life. This development would certainly further an agenda of rapid expansion of a busier, more congested living in Victor Harbor even outside the holiday seasons. This development would also break down the community relationship with the local council and developers. The Bluff area stands as a unique natural drawcard of the entire Victor Harbor area that is crucial to the tourism industry here. This development is obviously seeking to encourage more tourism to the area as well, however the efforts will be counteractive to its purpose. What tourist would travel from the city, pay for accommodation and contribute to Encounter Bay/Victor Harbor's economy to look at a view of the beautiful ocean and clifftops with roofs and roads in the way? In my experience, not one of these development projects has ever considered the overall impact to local community values, local council relationships, natural areas or the very things that make that area a popular tourist or valued local destination in the first place. This development project fails to consider that perhaps what makes Victor Harbor and the Bluff area popular for locals and tourists is that it is not an over developed, housing estate cluttered eyesore. At what cost is this development going to truly be?

Attached Documents

Representations**Representor 2** - Allen Moore

Name	Allen Moore
Address	6 thompson ct ENCOUNTER BAY SA, 5211 Australia
Submission Date	10/01/2023 08:31 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

1. The peace and quiet of the area will be disrupted by more vehicular traffic accessing the accommodation units, putting more pressure on local infrastructure. Particularly at peak holiday times. 2. The overall outlook of rural views (from the Bluff look out) spoilt by buildings. 3. The solitude and a chance to enjoy nature "as it is", spoilt by development catering to a minority of people. 4. The subtle nature of "let one developer in" and more will follow. The risk of the area being totally inundated with development. 5. The unique aspect of the Bluff being commercialised and becoming a sterile overrated destination. 6. The risk of the development (present or future) going right up to the fence at the Heyson trail and squeezing out any quiet enjoyment of the cliff top. 7. The incredible array of wildlife being pushed further outwards from the area. I would also like to express my total disbelief that a development of this type could be approved in such a beautiful rural area enjoyed by many people as part of their daily health, recreation and family fun. Myself included. Many visitors I have spoken to personally at the Bluff car parks enjoy this spot as it is a place they can come to get away from the pressures of city/suburban living to recharge. Green space and a place to do this in is both essential and necessary to maintain a sense of sanity in the world we live. Wide open spaces can bring such a sense of refreshment, in an unstructured way, that people need. Once the Bluff starts with commercialism it will be a downward spiral that pollutes everything good in the name of money. Now having said that I am not against tourism and attracting people to Victor Harbor. I am against the location and the size of the enterprise right in a place that needs to be left as is.

Attached Documents

Representations

Representor 3 - Ian and Wendy Hartley-Brammer

Name	Ian and Wendy Hartley-Brammer
Address	PO Box 1771 VICTOR HARBOR SA, 5211 Australia
Submission Date	14/01/2023 06:53 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

My first concern is the proposed re-zoning of rural farmland, and whether this proposal will be the beginning of a much larger development, which would completely change the face of the landscape of the beautiful Encounter Bay area (similar to the expansion of housing at Whalers at the Bluff). My second objection is will this be in keeping with the Victor Harbor Council's vision of "limiting development and built form" particularly in line with the The Bluff Master Plan, given that there may be an expansion of this development site in the future? Thirdly, will Zone 1 and Zone 4 of the Bluff Master Plan provide a backdrop to support a commercial enterprise if this proposed development is allowed to be built alongside? I would also like to express my concerns in relation to the process for seeking feedback from the community. The QR code provided in the hard copy PlanSA Proposed Development letter does not work, "We are unable to find this application. Please check the link provided and try again." Feedback has also been sought at a very busy time of the year, when many home owners are absent from their properties.

Attached Documents

Representations**Representor 6** - Jillian Ryan

Name	Jillian Ryan
Address	1 Rosemary Crt. ENCOUNTER BAY SA, 5211 Australia
Submission Date	16/01/2023 07:36 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

There are many reasons, but the first problem will be the initial building phase causing a disruption to my already poor health. I have motor neuron disease with very little function, requiring care 24/7. My husband does the bulk of the care, and we also have daily nurse visits and other regular carers that help us through this stage of my life. The dust and noise of the construction phase and continual din of the coming and goings will make my already diminished life circumstances even more unbearable. The development will also detract from the very reason we purchased this property all those years ago. Knowing we had a farm outlook on one side and sea view on the other made this a perfect home to spend the last years of our lives at. This development will also detract from our home's value. If the property needs to be sold, to pay for either my end of life care and/or a more manageable residence for my husband to live in, we need to be able to afford this and if the value of the property decreases because of this development it will have a huge financial impact on us moving forward.

Attached Documents

Representations

Representor 7 - Jane Mitchell

Name	Jane Mitchell
Address	14 Viking St ENCOUNTER BAY SA, 5018 Australia
Submission Date	16/01/2023 02:51 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons <p>As a resident of Encounter Bay for over 30 years it has been my understanding that council was not to develop land on south side of Jagger road marked as Farm Land. Mr Johnston representing Tirroki pty ltd owns most of the farm land going down to Kings Beach. Giving him allowance to develop this farm land will set president for continual development along this untouched pristine landscape. The Heysten trail follows this coast line and this development will take away the touristic walking which the council sell their tourism on. Along here is where the White Sea eagles are seen so development could certainly upset the biodiversity and natural habitat that have existed here. The council and SA planning must not stand up for this development as it will take away the last of the beautiful land scape along this coastal region. This is a greedy grab of farm land for solely personal gain. I wish to object to this or any other large development along this coastal farm land area. Regards Jane Mitchell</p>	

Attached Documents

Representations

Representor 8 - Andrew Moffett

Name	Andrew Moffett
Address	27 Rosemary Court ENCOUNTER BAY SA, 5211 Australia
Submission Date	16/01/2023 09:10 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I do not support the development as it will destroy one of the most beautiful, almost untouched, panoramic views from Rosetta Head. This view has been immortalised by Sir Hans Heysen and should be left in its current state. I regularly walk the Trail and take interstate and overseas visitors to the Bluff to show them the magnificent views which will be compromised by this development. There is no guarantee that the 5 units and outbuildings will not have an adverse effect on the Heysen Trail as a result of land degradation and water run off, causing erosion. If this development is allowed, it will potentially open the gate for further developments at this or adjacent sites causing destruction of good rural property and reducing one of the world acclaimed views to a mini Gold Coast.

Attached Documents

Kings-Beach-Units-1172437.jpg
Kings-Beach-1172438.JPG





Representations

Representor 9 - Suzanne Brookes

Name	Suzanne Brookes
Address	20 Minke Whale Drive ENCOUNTER BAY SA, 5211 Australia
Submission Date	17/01/2023 11:11 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons <p>This proposed development would completely destroy the visual aesthetics of coastal views from the Bluff/Petrel Cove towards Kings Beach and Newland Heads and encroach on the open space of this land corridor. Jagger Road is very much in a state of disrepair with no kerbs or footpaths and more vehicular/pedestrian traffic would increase danger to users. The Victor Harbor Council should embrace what is left of its fast diminishing open space and rural outlook rather than sell it off for development. This development- if approved- would open the flood gates for more tourism/housing development and the beautiful scenic walking track of the Heysen Trail would become ruined. Land once developed can NEVER be recovered.</p>	

Attached Documents

Representations

Representor 10 - CAROL RATCLIFF

Name	CAROL RATCLIFF
Address	18 minke whale drive encounter bay ENCOUNTER BAY SA, 5211 Australia
Submission Date	17/01/2023 02:03 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

As a long time resident of Encounter Bay ,I was of the understanding that the land on the southern side of Jagger Road was not zoned residential . The proposed development concerns me for several reasons .With the increase of road traffic on the already poorly maintained Jagger Road would be of great concern for the residents of minor roads that exit into Jagger Road .During the winter months the soft verges along the entire length of Jagger Road are washed away making a dangerous situation for vehicle use & impossible for pedestrian use . The five proposed dwellings will completely change the ambiance of this headland & the views of the Heysen Trail , Kings Beach & Kings Head will be irreversibly altered. If planning permission is given to this development it will possibly lead to further applications, until the entire area is one giant housing estate. Wildlife which now graze on the land will be displaced as their refuge & habitat disappears. I strongly oppose this planned developement.

Attached Documents

Representations

Representor 11 - JOHN BISHOP

Name	JOHN BISHOP
Address	7 MINNAMOORA COURT ENCOUNTER BAY SA, 5211 Australia
Submission Date	18/01/2023 11:29 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Drive way is the length of a suburban road therefore it must be sealed in a development of this type to comply and avoid dust pollution to the properties on Minnamoora and Rosemary Courts and Jagger Road The proximity of the development impacts on the Heysen Trail and the Coastal Reserve. It can be argued that this development contravenes South Australian Legislation	

Attached Documents

Representations

Representor 13 - Alexandra Hackett

Name	Alexandra Hackett
Address	6A Sturdee Street, Linden Park SA 5065 LINDEN PARK SA, 5065 Australia
Submission Date	20/01/2023 04:55 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

Firstly, the lack of notification to a larger demographic of property owners and local residents in the immediate area of the proposed development reflects badly on both PlanSA and the Victor Harbor Council. The proposed development will have a significant impact on the local and broader area. This area, in particular adjacent Rosetta Head or the Bluff, has special cultural and historical significance to both the local Ngarrindjeri people and other residents and visitors of the past 200+ years. It is an historic, rural and tourist destination, not an urban environment, conducive to this kind of development. The Heysen Trail begins only a few hundred metres from this proposed development and the Newland Head Conservation Park is also close by. If this development is allowed to go ahead, it is likely more 'accommodation units' will be built in the future and the green open spaces will be lost forever. A house overlooking Petrel Cove was removed in the late 60s to keep the area in its natural state. Local and Commonwealth Government have not allowed houses to be built in this area since this time. This needs to continue. Local wildlife species and their habitats (including feeding, resting and breeding areas) will also be affected by the increase in traffic and human movement and living requirements. My property, which is nearby to this development, has been in my family for nearly 60 years. After purchasing the land, my family planted over 200 trees and shrubs on the blocks to add ambience to the surrounding environment, encouraging wildlife and facilitating privacy. We have enjoyed the peace and tranquillity of the area over this time and would hope it will be ongoing for many years to come. I fear this new development will prevent this from continuing. We are also genuinely concerned that the value of our property will decrease due to this development. This would greatly affect my future financial security and that of my immediate family. Major safety issues for pedestrians, increased traffic, noise, road surface wear and tear are also concerns should this development be approved. Please DO NOT APPROVE this development. The correct decision will preserve Encounter Bay's natural beauty and allow many others to enjoy it for years to come.

Attached Documents

Representation-letter-for-Application-ID-22040230-1174272.pdf

Applicant:	Tirroki Pty Ltd	
Application ID:	22040230	
Notified Elements:	Tourist accommodation	
Address:	LOT 2 JAGGER RD ENCOUNTER BAY SA 5211	
Land details:	Title	Plan parcel
	CT5708/15	D52399AL2
Decision Authority:	Assessment Panel/Assessment Manager at City of Victor Harbor	
Close date:	Monday, 23 January 2023 at 11:59 pm Australia/Adelaide	
Documents:	22040230-PublicNoticeDocument-Lot2JaggerRd-4577520.pdf	

Representation letter.

Firstly, the lack of notification to a larger demographic of property owners and local residents in the immediate area of the proposed development reflects badly on both PlanSA and the Victor Harbor Council.

The proposed development will have a significant impact on the local and broader area.

This area, in particular adjacent Rosetta Head or the Bluff, has special cultural and historical significance to both the local Ngarrindjeri people and other residents and visitors of the past 200+ years. It is an historic, rural and tourist destination, not an urban environment, conducive to this kind of development.

The Heysen Trail begins only a few hundred metres from this proposed development and the Newland Head Conservation Park is also close by. If this development is allowed to go ahead, it is likely more 'accommodation units' will be built in the future and the green open spaces will be lost forever.

A house overlooking Petrel Cove was removed in the late 60s to keep the area in its natural state. Local and Commonwealth Government have not allowed houses to be built in this area since this time. This needs to continue.

Local wildlife species and their habitats (including feeding, resting and breeding areas) will also be affected by the increase in traffic and human movement and living requirements.

My property, which is nearby to this development, has been in my family for nearly 60 years. After purchasing the land, my family planted over 200 trees and shrubs on the blocks to add ambience to the surrounding environment, encouraging wildlife and facilitating privacy. We have enjoyed the peace and tranquillity of the area over this time and would hope it will be ongoing for many years to come. I fear this new development will prevent this from continuing.

We are also genuinely concerned that the value of our property will decrease due to this development. This would greatly affect my future financial security and that of my immediate family.

Major safety issues for pedestrians, increased traffic, noise, road surface wear and tear are also concerns should this development be approved.

Please DO NOT APPROVE this development. The correct decision will preserve Encounter Bay's natural beauty and allow many others to enjoy it for years to come.

Alexandra L Hackett

Representations

Representor 14 - Luke Mount

Name	Luke Mount
Address	5 Nunkeri Ave ENCOUNTER BAY SA, 5211 Australia
Submission Date	21/01/2023 02:31 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Should be refused as it appears to have been snuck in without public consultation, in an area that is not zoned for this type of construction and may open the door for similar constructions that are not in keeping with community expectations or visions for the area.	

Attached Documents

Representations

Representor 15 - Jeffrey Manning

Name	Jeffrey Manning
Address	3 Rosemary Court ENCOUNTER BAY SA, 5211 Australia
Submission Date	21/01/2023 02:40 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

As per the City of Victor Harbor's Bluff Master Plan Consultation one of the key findings is "limiting development, commercialisation and built form". Loss of habitat for the multitude of wildlife including kangaroos, echidnas and the endangered sea eagle. Also, the loss of a fauna corridor between the Bluff and Waitpinga Cliff conservation areas. The application fails to conform with "the conservation of the natural and rural character and scenic and cultural qualities of significant landscapes" as required by the Significant Landscape Protection Overlay. The impact on what is some of the most iconic and spectacular coastal views in Australia. These are from the Bluff itself, the Bluff and Petrel Cove car parks and surrounding areas and any viewpoint which overlooks this area.

Attached Documents

Representations

Representor 16 - Jeffrey Manning

Name	Jeffrey Manning
Address	3 Rosemary Court ENCOUNTER BAY SA, 5211 Australia
Submission Date	21/01/2023 02:45 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

As per the City of Victor Harbor's Bluff Master Plan Consultation one of the key findings is "limiting development, commercialisation and built form". Loss of habitat for the multitude of wildlife including kangaroos, echidnas and the endangered sea eagle. Also, the loss of a fauna corridor between the Bluff and Waitpinga Cliff conservation areas. The application fails to conform with "the conservation of the natural and rural character and scenic and cultural qualities of significant landscapes" as required by the Significant Landscape Protection Overlay. The impact on what is some of the most iconic and spectacular coastal views in Australia. These are from the Bluff itself, the Bluff and Petrel Cove car parks and surrounding areas and any viewpoint which overlooks this area.

Attached Documents

Representations

Representor 17 - Agneta Esposito

Name	Agneta Esposito
Address	17 Swain Rd VICTOR HARBOR SA, 5211 Australia
Submission Date	21/01/2023 04:21 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I do not support the development of luxury apartments to be built on what is pristine coastline. The coastline is one of the few places so close to a metropolis (city of Adelaide) that remains in its raw state. Our shared environment relies on people to protect it. By destroying the land many animals and plants will suffer. They suffer enough. The fact too that only those who can afford to rent or buy these apartments keeps the class divide well and truly in place. It's time for people to begin thinking as a collective and not as individuals who will benefit. This coastline belongs to everyone and animal who calls it home and not to the few who have access to finances most don't. Please think wholistically on this matter.

Attached Documents

Representations

Representor 18 - Lucy McGrath

Name	Lucy McGrath
Address	25 Day Terrace CROYDON SA, 5008 Australia
Submission Date	21/01/2023 05:02 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Please do not destroy this beautiful part of coastline with this development.	

Attached Documents

Representations

Representor 19 - Kirsty MARTIN

Name	Kirsty MARTIN
Address	PO Box 10 MIDDLETON SA, 5213 Australia
Submission Date	21/01/2023 09:57 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons I do not support this proposal. Firstly, the inappropriate and disrespectful way this proposal has been gone about is not fair and disrespectful of our community and environment. Not to mention the land being respected by traditional owners. Secondly, no locals are going to want the next rich, greedy owners to money make from yet another accomadation building that destroys our natural environment and pristine coastline. This is just another example of greed and useless council who need to stand up for the beauty of our natural environment. Protect our locals, protect our coastline and disregard this ridiculous property proposal.	

Attached Documents

Representations

Representor 20 - Honor Freeman

Name	Honor Freeman
Address	5 nunkeri ave ENCOUNTER BAY SA, 5211 Australia
Submission Date	21/01/2023 10:22 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons This land is zoned for rural / food production. The new bluff plan in consultation with community (over 900 voices) has strongly expressed the protection and preservation of this unique environment and ecosystem. It is a significant ngarrindjeri cultural site that has already undergone over development. It is important for the future generations and future of the Fleurieu peninsula that further developments along this unique and important coastline do not go ahead	

Attached Documents

Representations

Representor 21 - Kingsley Foreman

Name	Kingsley Foreman
Address	9 Folkestone Tce VICTOR HARBOR SA, 5211 Australia
Submission Date	22/01/2023 12:23 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

The Landscape and view from the Bluff and surrounding areas, would be impacted by development in this area. This area including the Heysen Trail that passes through it should remain a natural habitat for the number of animals that use the area, as well as the tourist this view and natural beauty brings to the area. The North side of the Bluff has already had this damaged, it would be shame to have the other side also damaged. I think there should also be research into the animals and grasses that are in this area before anything is done with it, as it is a natural habitat for a number of animals.

Attached Documents

Representations

Representor 22 - Jayne Roffey

Name	Jayne Roffey
Address	23 Investigator Crescent ENCOUNTER BAY SA, 5211 Australia
Submission Date	22/01/2023 12:30 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons %The community expectation of Rosetta Head and surrounding coastal areas to Waitpinga Cliffs is to maintain the land & coastal vista for current and future generations. %The Bluff Master Plan encompasses revegetation of adjacent areas to retain & propagate native plants which are unique to the site and encourage wildlife to thrive. % The entire area of Encounter Bay is significant to the Ngarrindgeri people and their culture should be respected with no further development. % The application involves land which is beside the popular Heysen Trail adjacent to the Bluff Reserve & within a few hundred metres of Kings Beach whale observation platform which provide local residents and visitors opportunities to experience the natural environment without further development on the proposed site. % Encounter Bay is an historic area of the Fleurieu Peninsula; Rosetta Head and the surrounding land should remain rural to maintain its history, uniqueness, flora & fauna and aesthetic value.	

Attached Documents

Document1-4753623.pdf
Document2-4753624.pdf
Document3-4753625.pdf

• Victor Harbour Times (SA : 1932 - 1986)
• Thu 3 Feb 1977
• Page 3

\$1m. to preserve beauty spots

The S.A. Government has paid \$1 million for more than 900 hectares of land to preserve some of the best known beauty spots on the South Coast.

The land includes a subdivision near the Bluff at Encounter Bay where homes will be removed to preserve a natural view.

The deals which have taken years of negotiations were announced by the Minister for Planning, Mr. Hudson.

The beauty spots are:

- **Waitpinga and Parsons beaches.**
- **Ridgeway Hill and Newland Head.**
- **Rosetta Head or The Bluff.**
- **Basham's Beach between Port Elliot and Middleton.**

The Bluff and Basham's Beach sites have been bought as part of the Open Space project of the State Planning Authority.

Five homes to be demolished are on what was the Rosetta Head subdivision and a holiday home overlooking Petrel Cove also will go. There were 60 allotments on the subdivision.

Parsons Beach, popular

Parsons Beach, popular with anglers, was acquired as part of 105 hectares at Waitpinga, including sand dunes and surfing beach.

Ridgeway Hill and Newland Head total more than 730 hectares and the land is covered mostly by natural bush falling to cliffs and the sea.

Basham's Beach was acquired to preserve the complete break in development between Middleton and Port Elliot.

Victor Harbour Times (SA : 1932 - 1986), Wednesday 6 July 1977, page 8



Ainslie Roberts was a well known SA artist -had a property close to Yilki Deli
Friday June 21st 1991 *Victor Harbor Times*

LETTERS TO THE EDITOR

Kings Head

Sir,

I have joined a growing number of people who have signed a petition protesting at the use of Kings Head for residential purposes.

As a professional artist, it disturbs me to visualise any human invasion of one of the loveliest stretches of coastline in Australia.

The late Sir Hans Heysen's famous painting of this scene, as he saw it from the Bluff, recorded it for posterity. He would agree with me.

While I fully appreciate the all-too-human desire to find a beautiful place and fight to make it your own, it is a debatable moral question as to whether one should be allowed to do so, if it impinges on the sensibilities of others who seek peace and relaxation in the natural things in life.

I also find this project at curious variance with the official order of some years ago that the Ligertwood house on the Petrel Cove Headland be demolished because "it spoilt the view". This is the same view that is now in question.

But my main concern is the long-range impact if council gives the go-ahead for this residence to be built.

It could well be the "thin end of the wedge", by setting a precedent which would make it almost impossible to refuse the many applications for residences in the Kings Beach area which would be certain to follow.

Ainslie Roberts
Yilki

Representations

Representor 23 - Johan Bruwer

Name	Johan Bruwer
Address	5 Minnamoora Court ENCOUNTER BAY SA, 5211 Australia
Submission Date	22/01/2023 01:28 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

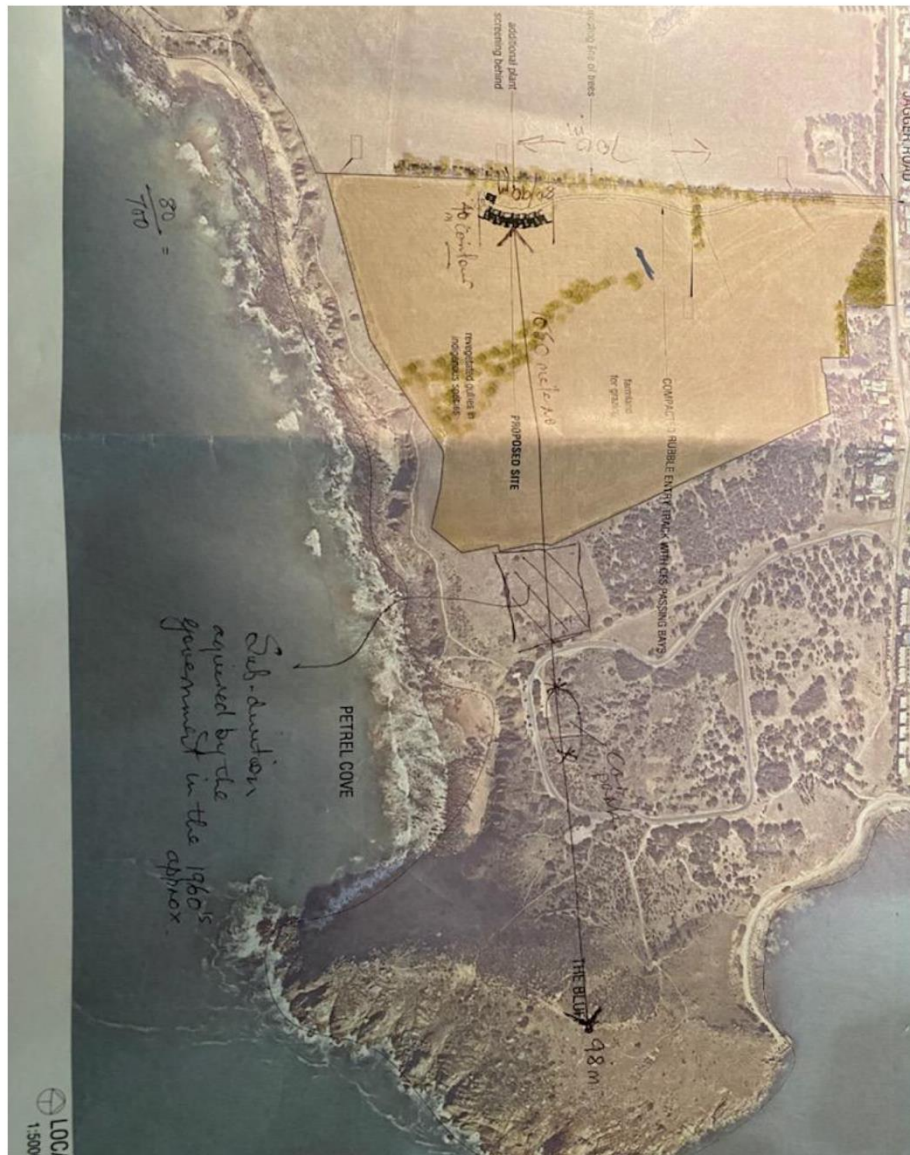
Planning consent should be REFUSED. See Supporting Documents for photo evidence and additional reasons why the application should be refused. - SA Government does NOT want development to occur on this land. In 1926, the mid-1960s, and 1991 development applications were not approved and subsequently withdrawn (see example: Image 1). Government even acquired some of the land. - The application provides no indication of any consultation with First Nation leaders (heritage adjacency overlay aspect). The site is on the lands and waters of the Ramindjeri people of the lower Fleurieu Peninsula, who are a part of the Ngarrindjeri Nation. The importance of such consultation is underlined by: "there has already been, in the past, too much development encroaching on the Bluff a significant Ngarrindjeri cultural site" (VH Council Cr Marilyn Henderson, Fleurieu Sun, p.6, January 19, 2023). - "Significant Landscape Protection" is the most relevant overlay the application needs to be assessed under as a desired outcome. It fails to meet that which sends it to a performance outcome (PO 1.2 - DTS/DPF 1.2). Under the proposed development of "tourist accommodation" there are no applicable criteria to enable it to satisfy planning approval. - The significant landscape protection (05701) primary overlay should be maintained to be consistent and reconcile with the Victor Harbor Interim Master Plan for the Bluff and with community expectation for this area of the Coastline to preserve vistas from the Bluff to the west and Waitpinga Cliffs to Kings Beach and the Heysen Trail. One of the plan's key findings is "limiting development, commercialisation and built form". - The application involves land (coastal areas - significant landscape protection - rural zoned) directly bordering on and clearly visible (see Image 2) from the Victor Harbor Heritage Trail and the Wild South Coast Way on the hiking Heysen Trail, that passes through some of South Australia's most diverse and breathtaking landscapes. The erection of new buildings, regardless of their nature, does not reconcile with the vision of C Warren Bonython AO to create this unique trail. - Planning approval (limited land division) for a Single Storey Detached Dwelling (ID 21030189) submitted on 31/12/2021 was already granted on 23/03/2022 and, while this clearly forms part of development plans on the same property, this approval has not been revealed in the current application. - PO 8.1 - DTS/DPF 8.1 - Due to the limited size of the property, wind turbine generators cannot be set back at least 2,000 metres from any of the following zones: township zone, rural settlement zone, rural living zone, rural neighbourhood zone and represents a non-compliance with the Planning Code. - "Tourist Accommodation" does not satisfy: Rural Zone DTS/DPF 6.3(b); and Rural Zone DTS/DPF 6.4. - PO 6.3 - DTS/DPF 6.3 - "Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry". However, this application for building accommodation units cannot be regarded as creating "Farm Stay". - PO 6.3 - DTS/DPF 6.3(b)(i) - Tourist accommodation in relation to the area used for accommodation exceeds 100m² - PO 13.1 - DTS/DPF 13.1 - No indication exists that tourist accommodation in new buildings has a building height not exceeding a height of more than 5 metres above natural ground level. - Located only 201 metres from the boundary of the coast (see Image 3). - 80/90 metres frontage to the Bluff and only 1,050 metres away - tag point (Image 4). - 80 metre frontage from the most visible site on the land from the top of the Bluff being 11.5% of the boundary to the land acquired by the Government in the 1960s (Image 5).

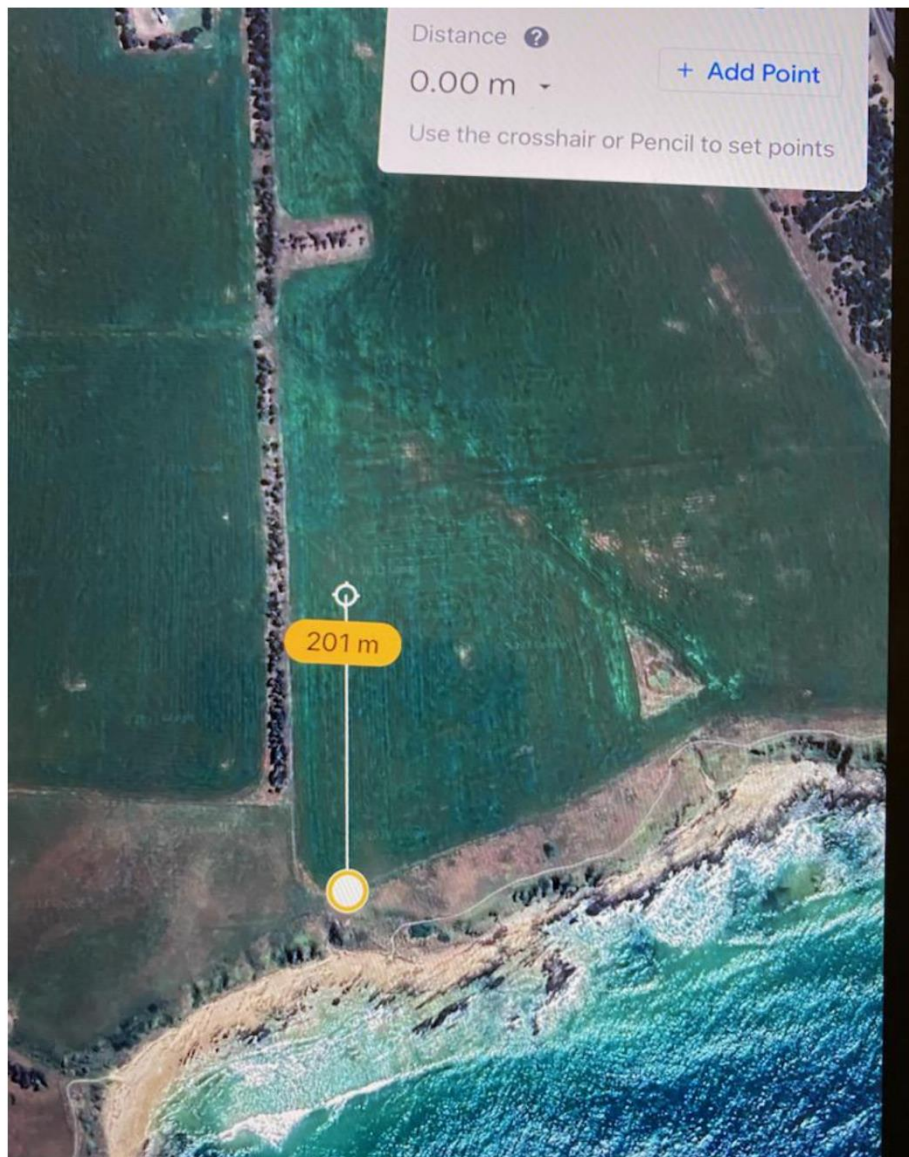
Attached Documents

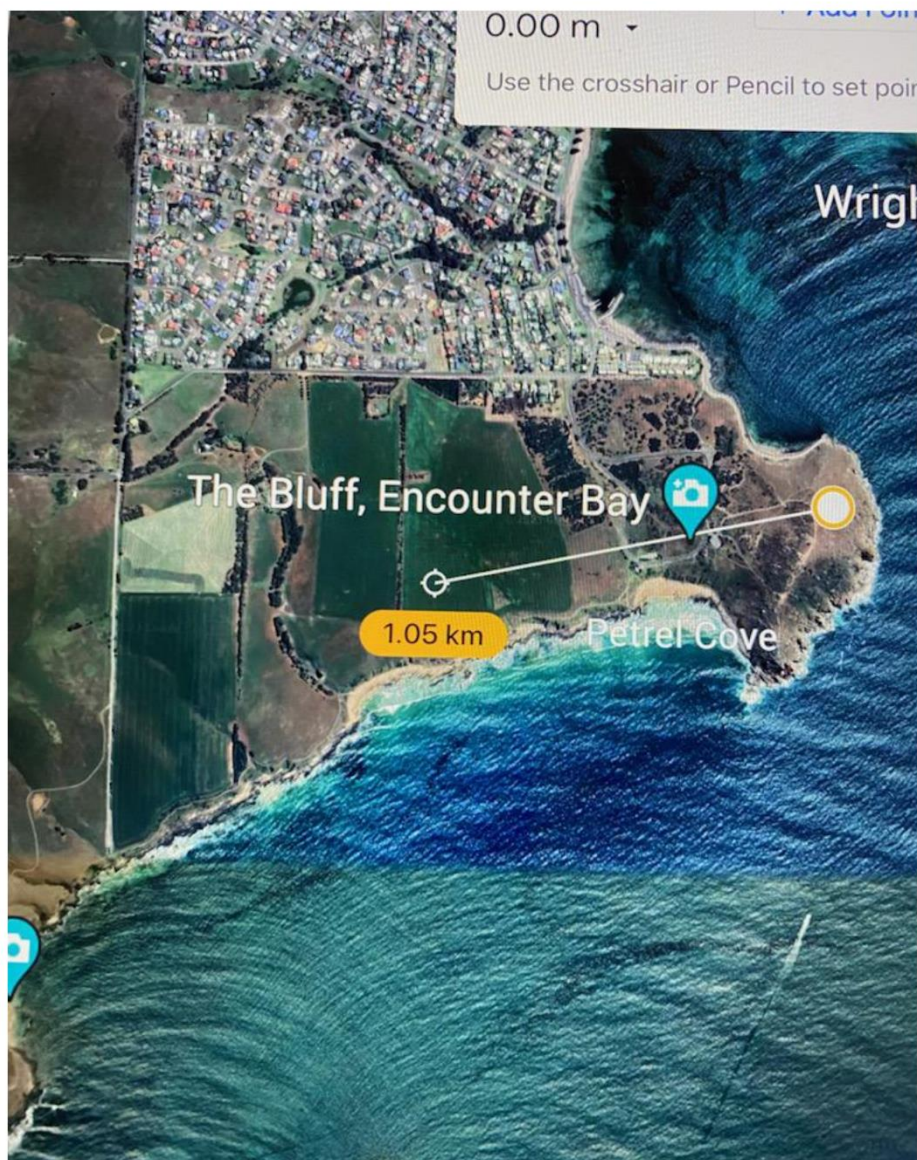
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7602767730085771897_Image-5-1174569.jpg

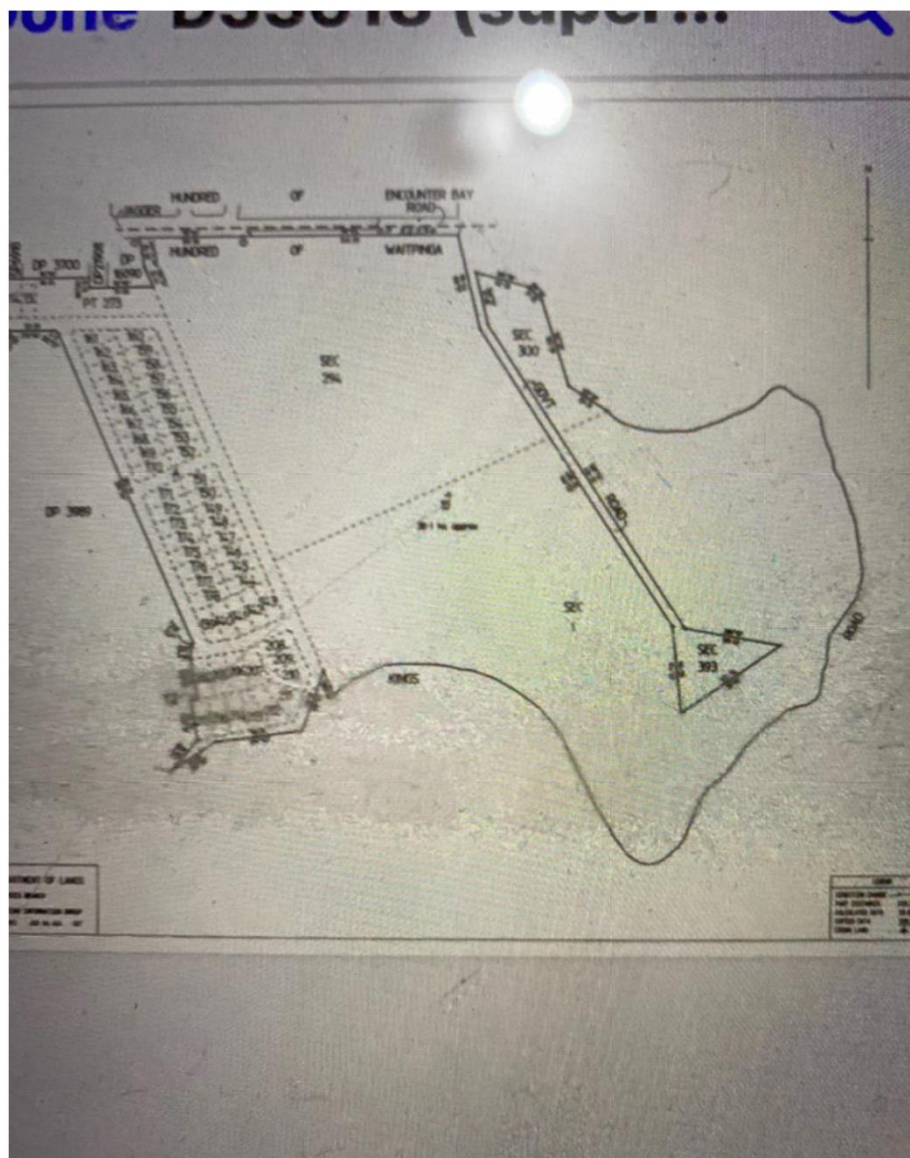
Additional Reasons for the Application to be Rejected

- Victor Harbor Master Plan 2023 for the Bluff has a 20-year planning horizon. The applicant should be required to also provide a 20-year development plan to facilitate assessment of compatibility with the Bluff Master Plan.
- The most significant overlays of the property's zone details are: coastal areas - environment and food production area - heritage adjacency - limited land division - significant landscape protection - rural. Each in its own right justifies why the application should be rejected.
- This development cannot be regarded as creating "Farm Stay", as is evidenced by the fact that the term "farm" (environment and food production area zone overlay) appears only twice in the 136-page document. "Farm Stays" are locations where those using the accommodation on the "farm" are involved in the day-to-day activities and experiences associated with farming.
- It is doubtful, and therefore concrete proof (from an independent professional) is required that the water available on the property via the applicant's current water licence can indeed satisfy the desired outcomes for aquaculture (PO 1.1 - DTS/DPF 1.1).
- Marine aquaculture (PO 2.4 - DST/DPF 2.4). It is doubtful that aquaculture development on this site can utilise seawater.
- PO 6.5 - DTS/DPF 6.5 - "Function centres are associated with the primary use of the land" - no information provided on drawings point to the existence of function centres in an application that is for 5 self-contained accommodation units only. It seems that the 'strategy' behind this application is to achieve rezoning which can then lead to further significant development there.
- PO 4.4 - DTS/DPF 4.4 - Fauna - future consideration for all or portion of the allotment should be considered as a potential corridor for Fauna between the Bluff and Waitpinga Cliffs conservation areas and to maintain the coastal Vista.
- This development will create a health hazard (flies, foul smells, etc) and deterioration of the area's current pristine outlook because rubbish collection does not occur on the Lot 2 side of Jagger Road. Moreover, a considerably increased number of rubbish bins for rubbish collection, will therefore have to be placed on the opposite side of Jagger Road which is right in front of the affected parties' properties.
- Geographically the entrance to the proposed property development is only accessible via Franklin Parade or Three Gullies Road. It is not possible to widen Franklin Parade without property expropriation on a large scale and at huge cost to VH Council and it has limited capacity for 2-way traffic flow. Three Gullies Road has not been constructed to the upgraded extent that will be required. Therefore, any resort-style accommodation development will generate increased traffic flow to traffic flow hotspots that are already at their limit.
- The development will undoubtedly create increased noise pollution in what as currently a pristine and quiet environment and thus adversely affect the local community.









Representations

Representor 25 - Robert Halliday

Name	Robert Halliday
Address	23 Investigator Crescent ENCOUNTER BAY SA, 5211 Australia
Submission Date	22/01/2023 01:34 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

Lot 2 Jagger Road Encounter Bay is zoned a Rural/Food production. The area including the Bluff Reserve to Kings Beach has cultural significance for past and current Ngarrindjeri people. The significance of the area is recognised in the recently published Bluff Master Plan and any building development on the adjacent Lot 2 Jagger Road would clearly impinge on the coastal views from the Bluff to Newland Head cliffs. Any further building between the Bluff and Kings Head will impact on the serene walking experience of those using the adjacent Heysen trail walking track. The current vegetation on the Bluff Reserve and land between the Bluff Reserve and Kings Beach is home to numerous native animals and there is the opportunity to establish a native vegetation and wildlife corridor adjacent to the Heysen trail to preserve the vista for people, young and old as well as disabled who come to the Bluff Reserve to view one of the premium tourism views in South Australia. In the past seventy years building and infrastructure were removed from the Bluff Reserve adjacent to Lot 2 Jagger Road and the area revegetated in order to maintain the natural beauty and tourism appeal for all who visit the Bluff. If any buildings of a significant size or any development impinging on the landscape are approved or if rezoning of the land between the Bluff Reserve and Kings Beach is approved it will surely negate the vision of those who instigated the removal of buildings and infrastructure on the Western boundary of the Bluff Reserve in the 1960s.

Attached Documents

Representations

Representor 26 - Denise Martin

Name	Denise Martin
Address	2 Dormer Court ENCOUNTER BAY SA, 5211 Australia
Submission Date	22/01/2023 08:11 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I do not support this application because it is far too close to, and will impact adversely upon, the pristine natural environment of the Bluff, the Heysen Trail, Petrel Cove, Kings Beach and environs. A sufficient buffer is needed, free from buildings and development, so that the natural beauty of this area can be enjoyed by everyone. This is consistent with the overwhelming majority of consultations on the Bluff Master Plan. The development application is not consistent with the current zoning of the land on which it is proposed to build the tourist accommodation. Currently, this land is zoned as a Rural/Food production area which has Significant Native Vegetation and Significant Aesthetic Value Overlays. Of the applicable overlays to which this land is subject, the Significant Landscape Protection Overlay is particularly relevant. This overlay needs to be assessed under a desired outcome. However, the development application fails to do this. It therefore fails to be assessed under a performance outcome. However, in its current form, there are no applicable criteria under which this proposed development can, satisfactorily, be approved. If this application is approved, there is no commitment given by the developers that the extent of development will stop with the five tourism accommodation units and service building of the current application. The Bluff Master Plan, being developed by the Victor Harbor Council, in consultation with the community, is to operate across a twenty year timeframe. This particular application, so closely impacting upon the Bluff and the coast, needs to be held to account by openly projecting forward the genuine plans of the developers over the next twenty years. In this application, the developers fail to mention an already approved application (Application ID: 21030189) for the construction of a dwelling on the same land. Their failure to be transparent about that calls into question what else might be in their plans for this land. Hence the need for them to be held to account to disclose their future development intentions, so that impacts on natural environment, community, traffic flow and services can be properly assessed. If tourist accommodation units are to be built this needs to be on land which is appropriately zoned for the purpose and, critically, on land situated much further back, ensuring that such built developments do not encroach upon the pristine natural environment of the Bluff, the Heysen Trail, Petrel Cove, Kings Beach and environs. The proposed development will be a mere 201 metres from the Heysen Trail. There is no evidence in the application that there has been consultation with local Ramindjeri leaders. This land is well known to be of great cultural significance to the Ramindjeri people of the Ngarrindjeri Nation. Such consultation is critical. If it has not occurred, this is a serious oversight which must be addressed as soon as possible. The Bluff, Heysen Trail, Petrel Cove, Kings Beach and environs are for all people to enjoy our beautiful natural environs. Such environments, sadly, are shrinking. We must protect them. What benefits will the proposed development offer to the community and to the environment? The primary benefits of such a development appear to be almost exclusively private, accruing to the landowner and to the very few people who will be in a position to be able to afford to stay in the proposed tourist accommodation units. Why should only a handful of people benefit at the expense of everyone? Accordingly, given the proximity of this land to the Bluff and to the coast, this privately owned land on which it is proposed to build these tourist accommodation units should be acquired and protected by Government and/or Council as a reserve.

Attached Documents

Representations

Representor 27 - Aza Newland

Name	Aza Newland
Address	26 Leworthy Street VICTOR HARBOR SA, 5211 Australia
Submission Date	22/01/2023 08:37 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

I am a member of the community of Victor Harbor, and found out about the planned development via public concern. I know nothing about the process of representations, or if it is permitted for me to do so, but I strongly reject the proposal to build 5 luxury appartments on Jagger road. The proposal puts Victor Harbor's main tourist attraction at risk by opening up the said allotment for re-zoning. The appartments will take away from the only view in Victor Harbor which isn't polluted with buildings, while making it easier for other developers to get their foot in the door and pollute it further. Such views should not be privatized. The proposed land should be protected under heritage agreements, especially with the new bluff master plans on the way.

Attached Documents

Representations

Representor 28 - Narelle Heinrich

Name	Narelle Heinrich
Address	7 Hume Drive HELENSBURGH NSW, 2508 Australia
Submission Date	23/01/2023 09:47 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

As a regular, annual holiday visitor to Encounter Bay it's concerning to see a sizeable development application submitted seemingly without the considerable community and council oversight the region deserves. I believe that any type of constructed development on open land requires, in this day and age, a thoughtful and measured response that looks beyond immediate economic persuasions, considers the long term impact on not only the land and how it is used, but also the implications of manipulating current zoning laws to suit alternative purposes. In this case, a couple of cows grazing out front is all it takes to effectively turn a rural industry zone into something else entirely. I oppose this application due to its lack of oversight within the timeframe allocated. An important community discussion needs to be had regarding how remaining open land should be used in the future. I don't seem to understand how building on the landscapes that provide the region it's bread and butter tourism is all that intelligent to be honest.

Attached Documents

Representations

Representor 29 - Gary Sauer-Thompson

Name	Gary Sauer-Thompson
Address	29 Solway Crescent ENCOUNTER BAY SA, 5211 Australia
Submission Date	23/01/2023 05:20 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons The primary strand of this objection is that the notified development is not in accord with, or that it breaches, various state planning policies and codes with respect to the rural zoning.	

Attached Documents

Objection-to-Development--1175088.pdf

1

Objection to Development at Lot 2 Jagger Rd, Encounter Bay.

Gary Sauer-Thompson

The proposed development seeks planning consent for the construction of 5 tourist accommodation units on the land at Lot 2 Jagger Rd, Encounter Bay, SA 5211. This land is situated with the Rural Zone under the Planning and Design Code under section 65 of the planning reforms of the Planning, Development and Infrastructure Act 2016.

1. Substantive Objection

My objection to this development has several strands. The first strand is a substantive objection, namely that the notified development is not in accord with, or that it breaches, various state planning policies.

The first part of this objection is that it is not in accord with the Coast Protection Board's coastal policies.

Its terms of the significant landscape value of this spectacular coastal line from Rosetta Head to Kings Beach/Head with their exceptional vistas the form of the notified development is best characterised as scattered coastal development. The Coast Protection Board is generally opposed to this form of development in principle.

Now the Coast Protection Board's Policy Document 2002 qualifies this principle in two ways. First it makes an exception for tourist accommodation which it will assess on its merits. Secondly, it makes an exception for tourist tourist accommodation development that has significant public or environmental benefit in coastal areas provided that:

- (1) it is sited and designed in a manner that is subservient to important natural values within the coastal environment;
- (2) is not subject to unaddressed coastal hazards;
- (3) adverse impacts on natural features, landscapes, habitats, threatened species and cultural assets are avoided and minimised and;
- (4) it will not significantly impact on the amenity of scenic coastal vistas.

Though there may be some environmental benefit of this development I cannot see anything in the way of significant environmental benefit of this development. The property is a highly modified landscape which has been extensively cleared for agriculture with few native trees or shrubs present.

Nor can I see the significant public benefit over and above the significant private benefit. I would define a public benefit as upgrading the coastal walking trail next to the land to the Victor Harbour Heritage Trail Wild and the Coast South Way, the

2

proposed regeneration of the iconic Rosetta Header, and the whale watch lookout at the end King's Beach Rd.

If we assess this scattered coastal development on its merits as suggested by the Coast Protection Board, then despite its high value architecture, it should not proceed in its current form.

My second objection in the substantive strand to this development is that it does not accord with, or breaches, the desired outcome of the rural zoning of the Planning and Design Code.

DO1 states that this is a zone that supports the economic prosperity of South Australia primarily through the production, processing, storage and destruction of primary produce, forestry, and the generation of energy from renewable resources.

DO2 states that this is a zone supporting diversification of existing businesses that promote value-adding such as industry, storage and warehousing activities, the sale and consumption of primary produce, tourist development and accommodation.

The tourist accommodation will operate a free standing commercial venture that monetises the public scenic views and has little productive connection to primary production activities that has consisted of sheep grazing and growing hay. This proposed development is not a B+B type accommodation, nor is it a farm stay accommodation associated with rural zone type activities.

The Planning and Design Code states that tourist accommodation is an appropriate desired outcome in the Rural Zone PO 6.3 supports tourist accommodation only if it is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences.

This implies that the primary production is primary and the tourist accommodation is secondary supplementary. This development reverses this: the tourist accommodation is primary and agricultural production is secondary or supplementary. Agriculture provides a rural backdrop or setting to high-end tourism.

2. Semblance Objection

My third objection is one of semblance. The development appears to consist of 5 tourist units and the drawings support this. Yet there is more to this development than this, namely:

3

- (1) at DTS/DPF 5.4 there is a reference to shops offering for sale or consumption produce or goods that are primarily sourced, produced or manufactured on the same or adjoining allotments.
- (2) at DTS/DPF 6.6 there is a reference to a function centre
- (3) at DTS/DPF 7.1 there is a reference to offices
- (4) at DTS/DPF 41.1 there is a reference to student accommodation with common or shared facilities
- (5) at DTS/DPF 2.3 there is a reference to a caravan park in relating communal open space
- (6) at DTS/DPF 1.5 there is a reference to beverage production

This shifts the emphasis away from rural production with supplementary tourism to a range of tourist infrastructure taking place on farming land.

The shop would be a commercial enterprise that would source its products from around the Fleurieu Peninsula, rather than what was produced from the land, since as it stands, the site is currently used for hay and grazing. So it would be more along the lines of the *Harvest the Fleurieu* shop at Mt Compass.

Similarly a caravan park is a commercial operation that requires an office and infrastructure for the caravans or RV's unless it simply consists of unpowered sites for tents.

This development cannot be considered to be of a minor nature that will not unreasonably impact on the owners of land in the locality of the site of development. It is more in the way of a major nature.

3. Overlay Objection

There are a large number of Overlays to the site of the notified development. Overlays set out additional circumstances that may apply in particular areas and they pick up location-specific planning issues of state interest and they take precedence over other Code policies. Where policy in a zone is in conflict with the policy in an overlay, the overlay policy will take precedence.

The site is adjacent to Rosetta Head (the Bluff) and the South Coast Wild Way both of which have a low tourist footprint. The area around Rosetta Head has over 112 native flora species have been identified on the site, of which, five are listed as Rare under the National Parks and Wildlife Act 1972 with 55 species attracting a regional listing in the Adelaide and Mount Lofty Ranges Natural Resources Management region (AMLR) There nearly 30 hectares of Significant Environmental Benefit Sites, which have been established to provide support in limiting vegetation clearance to maintain and protect threatened vegetation communities and species.

There is a Master Plan for the Rosetta Head by the Victor Harbor City Council that is based on a recognition that Rosetta Head (Kongkengguwarr) has significant environmental, recreation, tourism, heritage and cultural value. This places an emphasis on re-wilding, limiting development, and strengthening connection to rugged and wild landscapes. The development that is being proposed is minor as it consists in improving the walking trails and tracks.

The Master Plan explicitly aims to:

- (a) limit encroachment of development to prevent further impacts on visual character, erosion and degradation of landscape;
- (b) limit development that has significant visual impact on coastline areas with significant landscape value;
- (c) discourage further development that adds to incremental sprawl and which has the potential to detract from the visual appearance and overall appeal of the Bluff.
- (d) proposed to revegetate the area of Rosetta Head Reserve adjacent to Lot 2 Jagger Rd identified as Oyster Reserve to improve site biodiversity including habitat creation using locally sourced endemic and native species.

Of the overlaps that are relevant it is the Significant Landscape Protection Overlay that is especially important, as this overlay:

“ seeks to conserve the natural and rural character and scenic and cultural qualities of significant landscapes in the outback.”

This would mean that the area of the coastline that is next door to the Rosetta Head should be in keeping with the intent, design and ethos of the Bluff Master Plans as opposed to being the opposite. A development consisting of 5 tourist units, a shop, office, student accommodation, caravan park, function centre, and beverage production is not in accord with the Proposed Bluff Master Plan and does not seek to conserve the natural and rural character, or the scenic and cultural qualities of this significant coastal landscape.

This implies that this development is inappropriate for this part of the coastal landscape.

Gary Sauer-Thompson
29 Solway Crescent
Encounter Bay
SA 5211

Representations

Representor 30 - Silke Krause

Name	Silke Krause
Address	1 Minke Whale Drive ENCOUNTER BAY SA, 5211 Australia
Submission Date	23/01/2023 09:54 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

The proposal is a substantial and permanent change not only for the parcel of land in question, it will have a profound impact on the future of the coastal area and The Bluff. Given the significant wider impact, insufficient information and public consultation has been provided by the applicant. It is understood that just 3 households were informed as part of the process. An incredible travesty. The applicant historically uses strategies and knowledge of procedural inadequacies. On the same allotment for example, a year ago, just before Christmas, another development application was lodged by a third party on behalf of the owner. The application was approved without public consultation. A building permit is yet to be issued. Now we have the latest and next step in the strategy.. again submitted just before Christmas to minimise public awareness and scrutiny. A contentious previous development adjacent to Deep Creek National Park undertaken by the applicant, again shows contempt for the ethical process that should be mainframe to these 'legacy developments'. On behalf of First Nation People, all current and future residents, visitors, wildlife and environmental aesthetics, extreme caution, and scrutiny must be applied to this application. We urge that this application be considered only at the highest possible level and therefore be rejected in the first instance by the local assessment panel.

Attached Documents

Representations

Representor 31 - Phil Davis

Name	Phil Davis
Address	PO Box 55 VICTOR HARBOR SA, 5211 Australia
Submission Date	23/01/2023 09:58 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

The specific reasons I believe that planning consent should be granted/refused are: (The arguments below reference the performance outcomes and criteria as outlined in the document LoEDoc_W1SOXV.pdf) Part 2 PO 4.3 and PO 5.3 – Development would not respect landscape amenity as it would be clearly visible from The Bluff, which is a significant heritage area. It would also be visible from the world renowned Heysen Trail in an area currently devoid of such development. It would have a negative impact on the existing pleasant rural character. PO 14.1 – A concept plan from the local council is currently under development so this application must await the final form of that plan. PO 15.1 – Given the sensitivity of the area, it is not appropriate to attempt to fulfil this criterion based on the size of advertisements. More details are necessary and advertising within view of the Bluff and the Heysen trail would generally be inappropriate. Part 3 Significant Landscape Protection Overlay PO 1.1 – Development would detract from rural character via the imposition of a modern tourist accommodation block in an area currently free from such development. Significant Landscape Protection Overlay PO 2.1 (b) – Development would significantly disrupt the natural landform via the imposition of a modern block of buildings in an area currently free from such development. This is especially relevant given the visibility of the development from the significant cultural and heritage areas of The Bluff and the Heysen Trail. Significant Landscape Protection Overlay PO 2.2 (b) the proposed buildings do not support the desired outcomes of a rural zone with Significant Landscape Protection overlay. Part 4 Advertisements, all POs for this section – for an area of this significance it is not sufficient to just say what the advertisements do not do (as per the responses given in the DTS/DPFs). The actual form that these advertisements will take must be spelled out so the assessors can judge what the impact will be. Design PO 4.1, 4.2, 4.3 – The DTS/DPFs as published do not address these criteria. As new buildings WILL be erected, it is an error of fact to say “none are applicable”. Massing PO 15.1 The DTS/DPFs as published do not address these criteria. As new buildings WILL be erected, it is an error of fact to say “none are applicable”. Infrastructure and Renewable Energy Facilities - The DTS/DPFs as published do not address these criteria. As new infrastructure WILL be required, it is an error of fact to say “none are applicable”. Tourism Development PO 3.2 – this development is not subservient to the natural environment and does adversely impact natural features and cultural assets (specifically The Bluff whose visual amenity will be compromised).

Attached Documents

Representations

Representor 32 - Samantha Carter

Name	Samantha Carter
Address	
Submission Date	27/01/2023 02:29 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development with some concerns
Reasons	
Refer Attachment	

Attached Documents

SCarterRepresentation-4751578.pdf

REPRESENTATION ON APPLICATION – PERFORMANCE ASSESSED DEVELOPMENT

Planning, Development and Infrastructure Act 2016

Applicant:	Tirroki Pty Ltd [applicant name]
Development Number:	22040230 [development application number]
Nature of Development:	Tourist Accommodation [development description of performance assessed elements]
Zone/Sub-zone/Overlay:	Rural [zone/sub-zone/overlay of subject land]
Subject Land:	Lot 2 Jagger Road – Encounter Bay 5211 [street number, street name, suburb, postcode] [lot number, plan number, certificate of title number, volume & folio]
Contact Officer:	City of Victor Harbor [relevant authority name]
Phone Number:	08 8551 0500 [authority phone]
Close Date:	23 January 2023 [closing date for submissions]

My name*: Samantha J Carter	My phone number:
My postal address*: Click here to enter text.	My email:

* Indicates mandatory information

My position is:	<input type="checkbox"/> I support the development <input checked="" type="checkbox"/> I support the development with some concerns (detail below) <input type="checkbox"/> I oppose the development
-----------------	--



Government of South Australia
Department for Trade
and Investment

The specific reasons I believe that planning consent should be granted/refused are:

PRIVACY AND CONFIDENTIALITY CLAUSE:

Please be advised that Ben Coventry, Assessment Manager, Victor Harbor Council, advised me on the telephone, Friday 20th January, 2023, that I could submit without my full name and address being published (or available) publicly.

I accept that my submission and details will be made available in full to the applicant, but insist that my full name and details be excluded from public records for my privacy and safety. Please use only my initials and suburb with the reasons for my submission. That is S.C, Encounter Bay. Should this be impossible, please contact me via email. I take this very seriously.

This property and development directly neighbours The Bluff, Kongkengguwarr, Longkewar, a cultural and environmental jewel of the Victor Harbor area. The fenceline runs directly beside the Victor Harbor Heritage Trail and the following Heysen Trail / Wild South Coast Way. The Lot 2 Jagger Rd property has the potential to add great value to or completely destroy this unique public space.

The Bluff, Kongkengguwarr, Longkewar currently has a great amount of taxpayer money and resources invested in a 20 year Master Plan which is under consultation with the area residents and community, as you will be aware. Given the obvious environmental, cultural, financial and just outstanding beauty of the area, it is imperative that this is not distorted by the actions of a neighbour.

To that end, I support the plans submitted for 5 single story units to be built as described and with the following conditions:

The land is currently zoned RURAL and will remain that way, with no changes by way of overlays or other unincluded/unmentioned obfuscations. This would be for 20 years (as a minimum), to be in keeping with the Bluff, Kongkengguwarr, Longkewar Master Plan.

The units, and all associated roads and services, will remain at a discrete height and nature as to be as unobtrusive as possible in this precious natural environment. They should not in any way be obvious. For example, single storey, with the road and access set away from the Bluff, Kongkengguwarr, Longkewar area. Any exception to this should be rigorously addressed by council.

That a 20 year plan to maintain the environmental beauty and uniqueness of this Jagger Road property be submitted to ensure the continued natural beauty of the area. This is to safeguard the area against future development which could adversely affect the area. Such a plan might include a maximum number of units (permitted in that 20 years, with the necessary applications to council as required) and the continued zoning maintained as rural. It could be attached to the land via caveat or such. Again, I stress that this land is directly neighbouring a major cultural property with a 20 year plan. It would seem fair that a large neighbouring property also has a similar plan.

That the plans meet the conditions of the Coastal Protection Board, which I understand from Ben Coventry, will provide their decision in early February. Should they not be met, then the application should be resubmitted with this key environmental assessment addressed.

As a consideration, I wonder if the applicant might consider a name change from "Rosetta" to "Longkewar" (which I understand in Ngarrindjeri to mean "up high looking down" in a spiritual sense).

Thank you for the opportunity to submit. I would welcome the opportunity to be heard in support of my submission, in person, to demonstrate my commitment to these ideals.

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why planning consent should be granted or refused; and
- comment only on the performance-based elements of the proposal, which does not include the:
 - [Click here to enter text.](#) [list any accepted or deemed-to-satisfy elements of the development].

I:	<input checked="" type="checkbox"/> wish to be heard in support of my submission*
	<input type="checkbox"/> do not wish to be heard in support of my submission
By:	<input checked="" type="checkbox"/> appearing personally
	<input type="checkbox"/> being represented by the following person: Click here to enter text.

*You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission

Signature: *Samantha Carter* (Electronic Signature)

Date: 23/01/23 [Click here to enter](#)

Return Address: Assessment Panel at City of Victor Harbor [relevant authority postal address] or

Email: planning@victor.sa.gov.au [relevant authority email address] or

Complete online submission: planninganddesigncode.plan.sa.gov.au/haveyoursay/

Representations

Representor 33 - Graeme Walter

Name	Graeme Walter
Address	19 VIKING STREET ENCOUNTER BAY SA, 5211 Australia
Submission Date	27/01/2023 02:38 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons	
Refer attachment	

Attached Documents

GWalterRepresentation-4751712.pdf

REPRESENTATION ON APPLICATION – PERFORMANCE ASSESSED DEVELOPMENT

Planning, Development and Infrastructure Act 2016

Applicant:	Tirroki Pty Ltd <i>[applicant name]</i>
Development Number:	22040230 <i>[development application number]</i>
Nature of Development:	Tourist Accommodation <i>[development description of performance assessed elements]</i>
Zone/Sub-zone/Overlay:	Rural <i>[zone/sub-zone/overlay of subject land]</i>
Subject Land:	Lot 2 Jagger Road – Encounter Bay, 5211 <i>[street number, street name, suburb, postcode]</i> <i>[lot number, plan number, certificate of title number, volume & folio]</i>
Contact Officer:	City of Victor Harbor <i>[relevant authority name]</i>
Phone Number:	08 8551 0500 <i>[authority phone]</i>
Close Date:	23 January 2023 <i>[closing date for submissions]</i>

My name*: Graeme Walter

My phone number: 0418577262

My postal address*: 19 Viking Street – Encounter Bay,
5211

My email: gpwalter47@bigpond.com

** Indicates mandatory information*

- My position is:
- ☐ I support the development
 - ☐ I support the development with some concerns (detail below)
 - ☒ I oppose the development

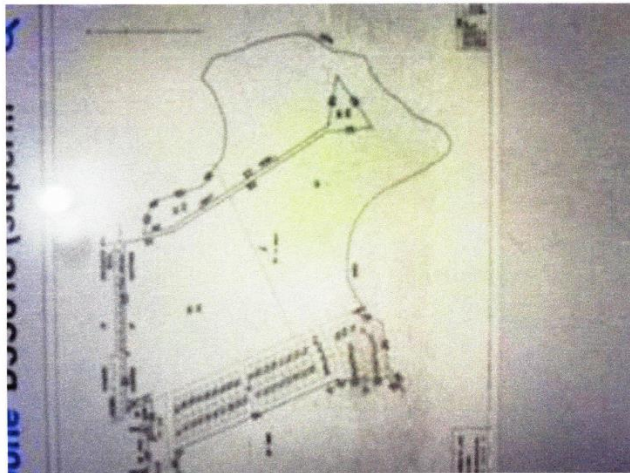


Government of South Australia
Department for Trade
and Investment

The specific reasons I believe that planning consent should be ~~granted~~/refused are:

- The planning Application was registered on 10 December 2022 with Closing date for submissions being 23 January 2023. This is insufficient time to fully assess the application and seek advice on the application.
- The land is currently Zoned Hills Neighbourhood (Z2405) -HN, Open Space (Z4501)-OS, and Rural (Z3404) Ru, and should remain as Rural to maintain the rural and Coastal Vista from the Bluff west to the Waitpinga Cliffs.
- There are 14 primary Overlays to this site and 5 Variation Overlays.
- Of the primary overlays, the "Significant Landscape Protection (05701) overlay should be maintained to be consistent with the community expectation for this area of the Coastline and in keeping with the intent of the Draft "Bluff Master Plan" initiated by the City of Victor Harbor.
- Also significant to this application are the Overlay (00902), Coastal Areas and (03602) Limited land Division.
- Also there has been a change request to the Rural overlays with "Tourist Accommodation" included in the "Change Development Selection."
- State Planning Policy 6.3 addresses Housing Supply and Diversity.
- This submission references "Tourism Accommodation () is associated with the primary use of the land for primary production or primary production related value adding industry () to enhance and provide authentic visitor experience.
- Objective PO 6 policies of the "State Planning Policies for SA" identifies well designed, and diverse and Affordable housing supply among other criteria. This development does not appear to be consistent with the objective of Affordable housing.
- Performance Outcome PO 6.3 - DTS/DPF 6.3 "Tourism Accommodation ()"; criteria (b) is not satisfied as the proposed building exceeds 100 m². Also the other criteria are not clearly articulated in the submission.
- The provision of a Working Farm is not satisfied as it is not a true working farm as in "Farm Stays" as guests staying are not involved in day to day issues and experiences associated with the farming activities.
- There is no indication in the submitted documents that shows the building will not exceed 7 m above the natural ground level
- There is no farm residence on this particular allotment.
- The land is directly adjacent to the Bluff and the development has the potential to diminish the conservation and aesthetic value of the Bluff conservation area currently being considered under the 20-year Draft Bluff Master Plan,
- The proposed development leaves many unknowns in relation to the overall long-term intentions of this development. There should be a link recognising the longer overall impact of the development of this allotment with the 20-year Draft Bluff Master Plan and potential impacts of potential re-zoning of this Coastline.
- There is a current application for an expansion at the Kings Beach Retreat which reinforces the need to look long term at development along this portion of the Coastline. Open and honest advice should be provided on future ambitions for the site to assure the community that their asset, the environment and vista along the coastline are assured.
- Efforts to enhance the application and provide added confidence in the longer-term intent of the development has not been made available. Enhancements for all or portion of the allotment as Flora and Fauna habitat to potential provide a corridor for Fauna between the Bluff and Waitpinga Cliffs conservation areas and to maintain and enhance the coastal Vista would garner more support for the application.

- An assurance by Council and the Developer that the area between the Bluff and Waitpina Cliffs remain as zoned Rural would benefit the application.
- Currently one house per allotment is allowed. The proposed application appears to indicate one building comprising 5 self-contained accommodation units and Service Building and could potentially be expanded if there is a relaxation of zoning of the land.
- There is insufficient information available on any potential longer-term plans for the allotment to assess the long-term impacts of the development.
- The submission, as presented, looks like an initial stage for a more significant development after the approval for this phase. This requires clarification.
- The proposal, particularly if further development occurs through potential re-zoning, will impact on the intent of the Draft Bluff Master Plan and the Vista from the Bluff to the West and Waitpina Cliffs to Kings Beach and the Heyesen Trail,
- If this application is approved in its current form, there is a precedent for future similar developments on adjacent land between the Bluff and Waitpina Cliffs This will compromise the World Class Vista from the Bluff to the West which tourists travel to Victor Harbor to appreciate unless done in sympathy and to enhance the current environment.
- In the 1960's there was a proposal to develop land adjacent to the Bluff and at that time Council deemed the Bluff and that precinct to be worthy of preserving and purchased that land and it is incorporated into the Bluff precinct. (See attached)
- The purchase by Council of this land was also a raised to the Bluff Master Plan assessment group during the consultation process.



1960's proposed subdivision.

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why planning consent should be granted or refused; and

- comment only on the performance-based elements of the proposal, which does not include the:
 - If the development was limited long term to what has been submitted in this application, including the Rural Zoning, then there may be different responses to the application. This would have to be an enforceable written undertaking given by Council that is applicable to the current developer and any future owners / developers of the land in question.

I:	<input checked="" type="checkbox"/> wish to be heard in support of my submission*
	<input type="checkbox"/> do not wish to be heard in support of my submission
By:	<input checked="" type="checkbox"/> appearing personally
	<input type="checkbox"/> being represented by the following person: Click here to enter text.

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature:



Date: 20 January 2023

Return Address: Assessment Panel at City of Victor Harbor *[relevant authority postal address]* or

Email: planning@victor.sa.gov.au *[relevant authority email address]* or

Complete online submission: planninganddesigncode.plan.sa.gov.au/haveyoursay/

Representations

Representor 34 - Dean Cunningham

Name	Dean Cunningham
Address	19 ROSEMARY COURT ENCOUNTER BAY SA, 5211 Australia
Submission Date	27/01/2023 02:46 PM
Submission Source	Over Counter
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons	
Refer attachment	

Attached Documents

DCunninghamRepresentation-4751814.pdf

REPRESENTATION ON APPLICATION – PERFORMANCE ASSESSED DEVELOPMENT

Planning, Development and Infrastructure Act 2016



Applicant: TIRROKI Pty Ltd [applicant name]
Development Number: 22040230 [development application number]
Nature of Development: 5 ACCOMMODATION UNITS
SERVICE BUILDING [development description of performance assessed elements]
Zone/Sub-zone/Overlay: [zone/sub-zone/overlay of subject land]
Subject Land: LOT 2 TAGHER RD
ENCOUNTER BAY [street number, street name, suburb, postcode]
[lot number, plan number, certificate of title number, volume & folio]
Contact Officer: [relevant authority name]
Phone Number: [authority phone]
Close Date: [closing date for submissions]

My name*: DEAN CUNNINGHAM
AND JANETTE CUNNINGHAM
My postal address*: 19 ROSEMARY COURT
ENCOUNTER BAY

My phone number: 0438391419

My email: jandean08bigpond.net.au

* Indicates mandatory information

My position is: ☐ I support the development
☐ I support the development with some concerns (detail below)
☒ I oppose the development

The specific reasons I believe that planning consent should be granted/refused are:

TOTALLY UNSUITABLE ADJACENT ROSETTA HEAD
WHICH IS SUCH AN ICONIC LANDMARK IN
SA.

[attach additional pages as needed]



Government of South Australia
Department for Trade
and Investment


Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why planning consent should be granted or refused; and
- comment only on the performance-based elements of the proposal, which does not include the:
 - *[list any accepted or deemed-to-satisfy elements of the development].*

I: ☐ wish to be heard in support of my submission*
☒ do not wish to be heard in support of my submission

By: ☐ appearing personally
☐ being represented by the following person:

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature: 

Date: 19/1/2023

Return Address: AS ABOVE [relevant authority postal address] or

Email: AS ABOVE [relevant authority email address] or

Complete online submission: planninganddesigncode.plan.sa.gov.au/haveyoursay/

Representations

Representor 35 - Judith Tcharke

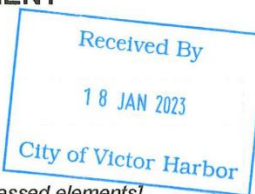
Name	Judith Tcharke
Address	15 MINNAMOORA COURT ENCOUNTER BAY SA, 5211 Australia
Submission Date	27/01/2023 02:50 PM
Submission Source	Over Counter
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons Refer attachment	

Attached Documents

JTcharkeRepresentation-4751894.pdf

REPRESENTATION ON APPLICATION – PERFORMANCE ASSESSED DEVELOPMENT

Planning, Development and Infrastructure Act 2016



Applicant: Tirroki Pty Ltd [applicant name]
Development Number: 22040230 [development application number]
Nature of Development: Land [development description of performance assessed elements]
Zone/Sub-zone/Overlay: [Click here to enter text.](#) [zone/sub-zone/overlay of subject land]
Subject Land: Lot 2 Jagger Road ENCOUNTER BAY SA 5211 [street number, street name, suburb, postcode]
[lot number, plan number, certificate of title number, volume & folio]
Contact Officer: Nil disclosed [relevant authority name]
Phone Number: Nil disclosed [authority phone]
Close Date: 11:59 pm 23rd January 2023 [closing date for submissions]

My name*: Judith Tsharke

My phone number: 0413 548 408

My postal address*: 15 Minnamoora Court
ENCOUNTER BAY 5211

My email: judytsharke@gmail.com

* Indicates mandatory information

My position is: ☐ I support the development
☐ I support the development with some concerns (detail below)
☒ I oppose the development

The specific reasons I believe that planning consent should be granted/refused are:

I believe that planning consent should be refused because this land should be preserved as it is, part of the breathtaking landscape of the lower Fleurieu which incorporates many kilometres of the Heysen Trail.

Mr Warren Bonython, who initially proposed the concept of the Heysen Trail was a man of vision and the Council, rate payers and community of this area should play their part to continue to honour him for that vision.

The unspoilt landscape from The Bluff to Kings beach is stunning and we should do all we can to keep it that way for ALL to enjoy for many generations to come.

I believe that this piece of land is Ngarrindjeri land and according to information that has been included in the Victor Harbor Visitor Map by the Victor Harbor Council "it has tremendous spiritual significance in the local Dreamtime stories." I quote again from the Council Visitor Map "It's in the natural beauty of the landscape and the depth of your breath. You can hear it echoing in the air as you come closer as if the coastline is calling to you." And again I quote "this wondrously one-of-a-kind place where the hum of community meets the stillness of the sea."



Government of South Australia
Department for Trade
and Investment

This part of our coastline should continue to be for all to enjoy.

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why planning consent should be granted or refused; and
- comment only on the performance-based elements of the proposal, which does not include the:
 - [Click here to enter text.](#) *[list any accepted or deemed-to-satisfy elements of the development]*.

I: ☒ wish to be heard in support of my submission*
☐ do not wish to be heard in support of my submission

By: ☒ appearing personally
☐ being represented by the following person: [Click here to enter text.](#)

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature: 

Date: 16th January 2023

Return Address: [Click here to enter text.](#) *[relevant authority postal address]* or

Email: judytscharke@gmail.com *[relevant authority email address]* or

Complete online submission: planninganddesigncode.plan.sa.gov.au/haveyoursay/

Representations

Representor 36 - James Tscharke

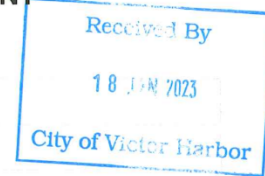
Name	James Tscharke
Address	15 MINNAMOORA COURT ENCOUNTER BAY SA, 5211 Australia
Submission Date	27/01/2023 02:54 PM
Submission Source	Over Counter
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons Refer attachment	

Attached Documents

JaTscharkeRepresentation-4751972.pdf

REPRESENTATION ON APPLICATION – PERFORMANCE ASSESSED DEVELOPMENT

Planning, Development and Infrastructure Act 2016



Applicant: Tirroki Pty Ltd [applicant name]
Development Number: 22040230 [development application number]
Nature of Development: Land [development description of performance assessed elements]
Zone/Sub-zone/Overlay: [zone/sub-zone/overlay of subject land]
Subject Land: Lot 2 Jagger Road, ENCOUNTER BAY SA 5211 [street number, street name, suburb, postcode]
[lot number, plan number, certificate of title number, volume & folio]
Contact Officer: Nil disclosed [relevant authority name]
Phone Number: Nil disclosed [authority phone]
Close Date: 11:59 pm 23rd January 2023 [closing date for submissions]

My name*: James Tscharke

My phone number: 0418824831

My postal address*: 15 Minnamoora Court,
ENCOUNTER BAY SA 5211

My email: jtscharke46@gmail.com

* Indicates mandatory information

My position is: ☐ I support the development
☐ I support the development with some concerns (detail below)
☒ I oppose the development

The specific reasons I believe that planning consent should be refused are:

It is a large amount of land for a small development plan and if granted sets an opportunity to further subdivision of this prime valuable and picturesque land which has cultural significance. I am concerned too that this development borders onto the Heysen Trail which is part of an internationally renowned walking trail.

The entrance to this proposed development will be situated close to the seasonal parking area for recreational fishers creating a dangerous situation to road users.



Government of South Australia
Department for Trade
and Investment

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why planning consent should be granted or refused; and
- comment only on the performance-based elements of the proposal, which does not include the:
 - [Click here to enter text.](#) *[list any accepted or deemed-to-satisfy elements of the development]*.

I: ☒ wish to be heard in support of my submission*
☐ do not wish to be heard in support of my submission

By: ☒ appearing personally
☐ being represented by the following person: [Click here to enter text.](#)

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature:



Date: 16/01/2023

Return Address: [Click here to enter text.](#) *[relevant authority postal address]* or

Email: [Click here to enter text.](#) *[relevant authority email address]* or

Complete online submission: planninganddesigncode.plan.sa.gov.au/haveyoursay/

Representations

Representor 37 - David Broadbent

Name	David Broadbent
Address	UNIT 1 33 ROSEMARY COURT ENCOUNTER BAY SA, 5211 Australia
Submission Date	27/01/2023 03:00 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons	
Refer attachment	

Attached Documents

DBroadbentRepresentation-4752060.pdf

REPRESENTATION ON APPLICATION – PERFORMANCE ASSESSED DEVELOPMENT

Planning, Development and Infrastructure Act 2016

Applicant:	David Broadbent and Catherine Arthurson <i>[applicant name]</i>
Development Number:	22040230 <i>[development application number]</i>
Nature of Development:	5 self-contained accommodation units and service building. Associated services, access driveway and gate at entry to property <i>[development description of performance assessed elements]</i>
Zone/Sub-zone/Overlay:	Z5404 Rural <i>[zone/sub-zone/overlay of subject land]</i>
Subject Land:	Lot 2 Jagger Road Encounter Bay SA 5211 <i>[street number, street name, suburb, postcode]</i> <i>[lot number, plan number, certificate of title number, volume & folio]</i>
Contact Officer:	Mr Maxwell Pritchard <i>[relevant authority name]</i>
Phone Number:	Click here to enter text. <i>[authority phone]</i>
Close Date:	January 23 rd 2023 <i>[closing date for submissions]</i>

My name*: David Broadbent	My phone number: 0427637896
My postal address*: 1/33 Rosemary Court Encounter Bay SA 5211	My email: foxbent@bigpond.com

** Indicates mandatory information*

My position is:	<input type="checkbox"/> I support the development <input type="checkbox"/> I support the development with some concerns (detail below) <input checked="" type="checkbox"/> I oppose the development
-----------------	--



Government of South Australia
Department for Trade
and Investment

The specific reasons I believe that planning consent should be granted/refused are:

We are extremely concerned about the environmental impact this development will have to the area – a most impeccable coastline and pristine environment. The development will interrupt the peace and quiet that is cherished by all who live in and all who visit the area. Our property value may decrease as the area will become less attractive in which to live with more tourist accommodation, traffic, and noise. It is noted that approximately 50 years ago at least 12 fishing shacks were built in the same vicinity as this proposed development. They were demolished because they were eventually deemed not suitable for the area.

The loss of preservation of green space is concerning particularly considering the environmental crisis we have all found ourselves in. We note the Kings Head Resort contributes to dangerous walkways including the Heyesen Trail. We have photos of the erosion of the trail in winter due to storm water pipes running from the Kings Head buildings to the trail. People have been at risk of falls and injury when walking this area in winter.

We fear this development could be the start of more and more accommodation etc being built, destroying even more well-cherished nature sites, and destroying fauna and flora, air and water. We are concerned for the local indigenous elders / traditional owners, and we will seek to ensure they are aware of this development. There are ancient fish traps and sacred sites that will be affected by tourism.

The development and its repercussions will spoil one of the best walking trails in Australia. Major environmental concern remains regarding sewerage. Approximately 50 years ago Victor Harbor council converted Victor Harbor into deep drainage system. What sewerage system is proposed? In ground septic will require a land and ocean environmental study. Human waste and storm water waste going into the fragile ocean would be tragic.

It is concerning how few people in the area have been made aware of this development.

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why planning consent should be granted or refused; and
- comment only on the performance-based elements of the proposal, which does not include the:
 - [Click here to enter text.](#) *[list any accepted or deemed-to-satisfy elements of the development]*.

I: ☒ wish to be heard in support of my submission*
☐ do not wish to be heard in support of my submission

By: ☒ appearing personally
☐ being represented by the following person: [Click here to enter text.](#)

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature:

Date: [Click here to enter text.](#)

Return Address: [Click here to enter text.](#) *[relevant authority postal address]* or

Email: [Click here to enter text.](#) *[relevant authority email address]* or

Representations

Representor 38 - Deidre Henderson

Name	Deidre Henderson
Address	23 MINNAMOOORA COURT ENCOUNTER BAY SA, 5211 Australia
Submission Date	27/01/2023 03:59 PM
Submission Source	Over Counter
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Refer attachment	

Attached Documents

DHendersonRepresentation-4752852.pdf

REPRESENTATION ON APPLICATION – PERFORMANCE ASSESSED DEVELOPMENT

Planning, Development and Infrastructure Act 2016



Applicant: Tirroki Pty Ltd [applicant name]
Development Number: 22040230 [development application number]
Nature of Development: Rezoning farmland to build 5 accommodation units and support service buildings adjacent to the Heysen Trail and surrounding area of The Bluff [development description of performance assessed elements]
Zone/Sub-zone/Overlay: Click here to enter text [zone/sub-zone/overlay of subject land]
Subject Land: Lot 2 Jagger Road, Encounter Bay SA 5211 [street number, street name, suburb, postcode]
[lot number, plan number, certificate of title number, volume & folio]
Contact Officer: Assessment Panel City of Victor Harbor [relevant authority name]
Phone Number: Click here to enter text [authority phone]
Close Date: 23 January 2023 [closing date for submissions]

My name*: Deidre Henderson

My phone number: 0433 543 568

My postal address*: 23 Minnamoora Court Encounter Bay SA 522

My email: hendersondw@outlook.com

* Indicates mandatory information

My position is: ☐ I support the development
☐ I support the development with some concerns (detail below)
☒ I oppose the development



Government of South Australia
Department for Trade
and Investment

The specific reasons I believe that planning consent should be refused are:

1. **Tourism**: The Heysen Trail is a world renown walking trail along the majestic cliffs of the Victor Harbor Waitpinga coastline allowing tourists to enjoy the unmatched beauty and tranquillity of this green space.
2. **Loss of Green Belt**: The current agricultural use provides a green belt with scenic views from The Bluff looking westward. This would be adversely affected as the elevation of the viewing point would mean looking down on the proposed development in the foreground.
3. **Sets a Precedence**: Allowing this re-zoning sets a precedence for future coastal residential development.
4. **Communication of this Proposed Re-zoning**: We were alerted to this re-zoning application through a flyer delivered to us from a resident living further down Jagger Road towards the Bluff. Therefore, it only allows a skewed response from just a few residences when it potentially affects all residences adjoining Jagger Road.
5. **Peace and Tranquility**: Currently, the only noise experienced by residents living adjacent to the farmland is the sound of reaping, harvesting, sheep grazing and the sound of the waves crashing on the beach. This situation would certainly cease should this rezoning be approved.
6. **Property Valuations**: When purchasing our property as having world class views across farmland to the ocean, The Bluff and West Island, we were informed this farmland would always remain an agricultural reserve. This development application is disadvantageous as it would bring about reduced property valuation expectations for our property and others similarly affected.
7. **Traffic**: The only access roads to Encounter Bay and this proposed development are Franklin Parade and Three Gullies Road. Both roads are incapable of being widened and have limited capacity for 2-way traffic. The additional traffic generated by a resort development at Lot 2 would adversely affect the local community – safety (access for ambulances and other emergency vehicles) , convenience, and noise being the main factors.
8. **Council's Social Responsibility**: Money received through increased rate revue should be balanced against Council's moral and ethical responsibility to provide a safe environment in which residents live, work and play in Victor Harbor. The media is always ready to seek feedback regarding anything to do with such issues – and any construction near the Heysen Trail is a news story.

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why planning consent should be granted or refused; and
- comment only on the performance-based elements of the proposal, which does not include the:
 - [Click here to enter text](#) *[list any accepted or deemed-to-satisfy elements of the development]*.

I: ☐ wish to be heard in support of my submission*
☒ do not wish to be heard in support of my submission

By: ☐ appearing personally
☐ being represented by the following person:

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature:



Date: 16 January 2023

Return Address: PO Box 11, Victor Harbor, SA 5211 *[relevant authority postal address]* or

Email: planning@victor.sa.gov.au. *[relevant authority email address]* or

Complete online submission: planninganddesigncode.plan.sa.gov.au/have-yoursay/

Representations

Representor 39 - Con Kapis

Name	Con Kapis
Address	11 VIKING STREET ENCOUNTER BAY SA, 5211 Australia
Submission Date	27/01/2023 04:54 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons	
Refer attachment	

Attached Documents

CKapisRepresentation-4753533.pdf

Ben Coventry

From: Con and Kathy Kapisir <ConandKathy@hotmail.com>
Sent: Monday, 16 January 2023 2:35 PM
To: Planning at CVH
Subject: IREC32077523 - 22040230 - re objection to development 22040230

**REPRESENTATION ON APPLICATION –
PERFORMANCE ASSESSED DEVELOPMENT**

Planning, Development and Infrastructure Act 2016

Applicant: Tirroki pty ltd *[applicant name]*
Development Number: 22040230 *[development application number]*
Nature of Development: Property development of farmland , which means rezoning and then the construction of 5 ACCOMMODATION buildings *[development description of performance assessed elements]*
Zone/Sub-zone/Overlay: Farmland *[zone/sub-zone/overlay of subject land]*
Subject Land: Lot 2 JAGGER ROAD ENCOUNTER BAY *[street number, street name, suburb, postcode]*
[lot number, plan number, certificate of title number, volume & folio]
CITY OF VICTOR HARBOUR *[relevant authority name]*
Phone Number: 08 85510500 *[authority phone]*
Close Date: 23/01/2023 *[closing date for submissions]*

My name*: CON KAPIRIS

My phone number: 0417878055

My postal address*: 11 VIKING STREET ENCOUNTER
BAY

My email: conandkathy@hotmail.com

My position is: ☐ I support the development
☐ I support the development with some concerns (detail below)
☒ I oppose the development

The specific reasons I believe that planning consent should be granted/refused are:

This area is pristine and is the essence of what we love and enjoy about Encounter Bay. If we could have our time again, I doubt there would be a Whalers Inn. The area should be preserved for now and future generations to enjoy and witness in all its rugged, historic, and floral beauty and in its natural rawness. Development of any sort will destroy forever the uniqueness of this world-class area. The owner of this land should be aware that they have a duty to protect and preserve rather than to try to cash in by trying to develop a site so close to the magnificent bluff, and destroy the very beauty that defines this landscape. Traffic will no doubt be an issue meaning the serenity of the area will be lost forever. A single farmhouse built by the owner on the site for their use would be a fair and reasonable outcome, but 5 accommodation buildings for commercial purposes, is total a NO, as the land is and should remain farmland.

If this development is permitted in such a beautiful and historic location, then our planning laws are a mockery, and we no doubt will follow the rest of the world, and have all our beautiful coastlines, subject to developments that destroy the very reasons we love them. With this comes regret from the people who use or live in the area as I have witnessed in numerous places all over the world, when they wish they could have fought harder to protect what was destroyed for ever.

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why planning consent should be granted or refused; and
- comment only on the performance-based elements of the proposal, which does not include the:
 - [Click here to enter text.](#) [list any accepted or deemed-to-satisfy elements of the development].

I: ☒ wish to be heard in support of my submission*
☐ do not wish to be heard in support of my submission

By: ☒ appearing personally
☐ being represented by the following person: [Click here to enter text.](#)

Signature: Con Kapisris

Date: 16/01/2023

Return Address: [Click here to enter text.](#) [relevant authority postal address] or

Email: planning@victor.sa.gov.au [relevant authority email address] or

Complete online submission: planninganddesigncode.plan.sa.gov.au/haveyoursay/

Sent from [Mail](#) for Windows

Representations

Representor 40 - Virginia Battye

Name	Virginia Battye
Address	88 GRANT AVENUE TOORAK GARDENS SA, 5065 Australia
Submission Date	27/01/2023 05:08 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons	
Refer attachment	

Attached Documents

VBattyeRepresentation-4753609.pdf

Ben Coventry

From: Jinny Battye <vbattye@hotmail.com>
Sent: Wednesday, 25 January 2023 11:31 AM
To: Ben Coventry
Subject: Lot 2 Jagger Road

Submission to Victor Harbor Council Assessment Panel

Re Lot 2 Jagger Road Encounter Bay Development Application

Submission lodged by Virginia Battye
88 Grant Avenue, Toorak Gardens, 5065
Phone 0400007087
Email vbattye@hotmail.com

My submission opposes the development application for the following reasons

1 Approval of this tourist development on land zoned as rural would create a very dangerous precedent for other development applications

2 The development will seriously damage the significant rural landscape extending from the Bluff along the coastal cliffs.

Setting a precedent: the thin edge of the wedge

Approval of this proposal has the potential to trigger similar applications along this coast. If this application were approved, how could the Assessment Panel deny others that follow?

It is difficult to see how this proposal meets any rural zone development requirements.

Are the 5 self contained accommodation units considered to be really only one dwelling?

These units are not associated with any use of the land for primary production nor could authentic visitor experiences associated with primary production be provided, as is required for rural zone tourist accommodation.

The proposed development is presented under the guise of Farm Stay accommodation, presumably to fit within rural zone guidelines. This is misleading and disingenuous. It debases the integrity of genuine rural tourist projects. Farm Stays require a Farm. There is no farm attached to this land, only a paddock where a few stock could possibly graze. There is no farm infrastructure in the proposal, nor any indication of how guest activities related to a farm stay could be accommodated.

If the development on rural land does not meet rural zone criteria, then the application should be rejected.

Or is the intention to have the land rezoned? If this is the case, then concerns about precedents for other applications are even greater.

If the land were to be rezoned, then there are also dangers that in the future, more units or other structures could be built on the property. The continuing building of more and higher units at Whalers, which have ruined the Bluff aspect from Victor Harbor, is an example of how a development can expand beyond any initial proposal and the starting basis for its approval.

These concerns, particularly relating to possible rezoning and the probability of more development applications, lead to the second reason for my opposition to the proposal.

2 The development will destroy the significant rural landscape extending from the Bluff, looking towards Kings Beach, the Waitpinga cliffs and Newlands Head.

Apart from the heritage Captain Kings cottage and the regrettable building on Kings Head, this landscape features sweeping rural and cliff views undisturbed by buildings. It is the sea and landscape painted by Hans Heysen and many others, and that admired by visitors viewing the unspoilt coastline from the Bluff.

The Bluff Master Plan is intended to 'provide a tool to protect the things that our community most values about the Bluff' (Council website). One of those things is that view. To have a row of apartments on the first ridge past the current narrow reserve is to make a mockery of the Master Plan. The development would also prevent any possible acquisition of that adjoining land to expand the Bluff nature reserves.

The development borders the very narrow Heritage trail, which most Heysen trail walkers along the Wild South Coast Way also follow after reaching Kings Beach. The international attraction of this section of the trail is the remoteness, tranquility and breathtaking coastal and rural views. The proposed development would damage this in ways that could never be repaired.

These fears are exacerbated by the potential of the land being rezoned.

The Lot 2 Jagger Road development proposal is much more than a proposal to build 5 tourist accommodation units on some vacant land. If approved it would affect far more people than immediate neighbours. It would affect visitors to the Bluff, and the southern coast, including Heysen trail walkers, and those wanting to preserve this rural environment. The long term risks and consequences of opening up tourist developments of this nature on rural land in this iconic area will be felt by future generations.

For these reasons I ask the Assessment Panel and Council to extend the period for public consultation as many who would have an interest in the implications of this development are on holidays and are not aware of the application.

If there are hearings related to this application I would be prepared to attend, as a lay person with a passion for this coast.

Virginia Battye

I

Sent from my iPad

Attachment 3

Ref: 23ADL-0105

20 March 2023

Ben Coventry
City of Victor Harbor
PO Box 11
Victor Harbor SA 5211

bcoventry@victor.sa.gov.au

Dear Ben

Response to Representations – Tourist Accommodation – Lot 2 Jagger Road, Encounter Bay – DA22040230

Introduction

Thank you for your assistance to date. I confirm URPS has been engaged by Tirroki Pty Ltd (the Applicant) to review the representations and prepare a written response on their behalf. In preparing this response, I confirm that I have reviewed the Planning and Design Code (the Code) and inspected the land and locality.

Summary of Representations

Forty representations were received, one representation has since been withdrawn, two were duplicate submissions and one was a triplicate, with the exact same property address and representor name. Thirty-five submissions remain valid. Sixteen representors wish to be heard at Council's Assessment Panel meeting.

The majority of submissions were based on the notion that the proposal sought to rezone land south of Jagger Road. To clarify - the proposal does not seek to rezone any portion of the land.

For simplification, I have summarised the key issues and themes of the representations to be:

- Changes to the landscape context of the Bluff.
- Contribution to local tourism.
- Use of land in the Zone.
- Environmental impact.
- View impact.

We acknowledge the Kaurna People as the Traditional Custodians of the land on which we work and pay respect to Elders past, present and emerging.

H:\Synergy\Projects\23ADL\23ADL-0105 - Lot 2 Jagger Road, Encounter Bay\Working\URPS Planning Advice\230314_C1_V3_Response to Representations
Jagger Encounter Bay.docx



Adelaide
12/154 Fullarton Rd
Rose Park, SA 5067

08 8333 7999
urps.com.au





- Application process.
- Impact on trails.
- Traffic impacts.
- Scale of the development.
- Noise.
- Sewerage and wastewater system.

A number of items were raised that are not planning issues which are not capable of being controlled under the Code. These have been addressed at the end of this correspondence in the section titled 'Non-planning issues'.

Response to Items Raised

Changes to the landscape context of the Bluff

A number of representors raised that the proposal is inappropriate because it alters the landscape context of the Bluff and that the land should stay undeveloped.

The 'Significant Landscape Protection Overlay' policy from the Code provides guidance on the protection of significant landscapes.

In terms of the weight to be applied to 'Overlays' the Code dictates that 'the provisions of an Overlay will prevail over all other policies applying in the particular case'.

Designated Performance Feature (DPF) 1.2 of the Overlay lists types of large scale development which are not anticipated including wind farms, large-scale industry and intensive animal husbandry. The proposal does not include development of this scale or intensity.

Having specific regard to the built form, Performance Outcome (PO) 2.2 provides guidance on the buildings and structures which are acceptable:

PO 2.2 Buildings and structures are limited to those that:

- (a) **are ancillary, adjacent to, and of the same or lesser scale as existing buildings**
- (b) **support desired outcomes of the relevant zone or subzone**
- (c) **are used for the ancillary sale of produce associated with a pastoral or rural activity**
- (d) **are in the form of high-quality, nature-based tourist accommodation**
- (e) **are for rainwater storage**
- (f) **are for research or education purposes**

(Underlining emphasis added)

The proposal explicitly satisfies PO 2.2 by virtue of (b) and (d), because:



It is consistent with Desired Outcome (DO) 2 of the Rural Zone – “A zone supporting diversification of existing businesses that promote value-adding such as industry, storage and warehousing activities, the sale and consumption of primary produce, tourist development and accommodation”.

The proposal is for “high-quality, nature-based tourist accommodation” which is wholly consistent with PO 2.2(d).

The proposal is consistent with the ‘Significant Landscape Protection Overlay’. Overlays in the Code carry the most weight. Whilst some change to the landscape is proposed through the siting of a new building, it is an anticipated building form and is consistent with the Desired Outcomes for the Rural Zone (refer below).

Contribution to local tourism

Some representors expressed concerns that the proposal may have a negative impact on local tourism in Victor Harbor by altering the appearance of the land adjacent to the Bluff.

Code DO 1 for Tourist Development under the General Assessment Provisions seeks tourism development to cater to the needs of visitors and a positive contribution to South Australia’s visitor economy.

DO 1 Tourism development is built in locations that cater to the needs of visitors and positively contributes to South Australia’s visitor economy.

The aspiration of the proposal is to contribute positively to the local tourism market. To achieve a high level of operational sustainability and celebrate the unique landscape in which it is sited through provision of high quality “experience development”.

The Applicant has recognised experience in the delivery of tourist accommodation in South Australia at the Naiko Retreat at Deep Creek. Naiko Retreat was designed by the same architect as the proposal, namely Max Pritchard, and the intention is that similar design principles be adopted with respect to the environmental and operational sustainability.

The Naiko retreat was awarded:

- 5-Star Accreditation under the Quality Tourism self-catering, and was the first tourist accommodation establishment of its kind in South Australia to be awarded this accreditation.
- status of being an EcoStar Accredited Business by SA Tourism.
- the 2022 best ‘Self-contained accommodation’ category in the South Australian Tourism Awards. It also won this award in 2021.



SA Tourism describes Naiko retreat as:

"Naiko Retreat is a luxury, self-contained eco retreat located on the Fleurieu Peninsula coastline. Situated on a cliff overlooking a pristine and secluded beach the self-sustainable Retreat was constructed in harmony with the environment keeping wildlife and nature front and centre".

The South Australian Visitor Economy Section Plan 2030 (the Plan) prepared by the SA Tourism Commission seeks to grow the Visitor Economy in South Australia. One of the six strategic priorities for the Plan is "Experience and supply development" to "support the development of unique and appealing experiences that are focussed on South Australia's strengths". The plan identifies that:

"South Australia has a compelling proposition...in many regions of the State there is a great opportunity to further develop these assets into outstanding tourism experiences. "Hero Experiences" that offer unique, world-class, highly appealing visitor experiences have a transformative effect on the surrounding area, pulling in high value visitors who are more engaged with the destination, extending length of stay and increasing overall yield.

Experience development also includes the ongoing improvements to South Australia's accommodation supply. South Australia falls behind our competitor states in quality accommodation options..."

The proposal for tourist accommodation in this location is consistent with DO 1 of the Code for Tourism Development. It also responds to the need for high quality tourist accommodation as identified in the South Australian Tourism Commission's Plan.

Use of land in the Zone

Many of the submissions raised that they believe the proposed tourist accommodation land use is inappropriate in the Rural Zone.

Respectfully, these comments are mis-informed and factually incorrect.

I say this because the land falls into the Rural Zone. The Zone clearly and unequivocally **supports** tourist accommodation.

The following policies in the Zone are noteworthy:

DO 2 **A zone supporting diversification of existing businesses that promote value-adding such as industry, storage and warehousing activities, the sale and consumption of primary produce, tourist development and accommodation.**

PO 1.1 **The productive value of rural land for a range of primary production activities and associated value adding, processing, warehousing and distribution is supported, protected and maintained.**



DPF 1.1 Development comprises one or more of the following:

- ...
- (v) **Tourist accommodation**
- ...

The Rural Zone provides additional guidance in PO 6.3 for tourism development seeking primary production related 'value adding industry'. DO 2 of the Zone specifically lists what these value-adds are inclusive of 'tourist development and accommodation'.

PO 6.3 Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences.

Importantly, the land still contains significant area available for use as cropped pasture. Primary production activities will remain, albeit with management to not impact on guest experience. As evidenced at the Naiko Retreat, the Applicant has capability in creating immersive authentic visitor experiences. The Applicant has recently been awarded by the State Government a grant under the Experience Nature Tourism Fund program. This is to enable guests to have greater exposure to nature and to enable all guests to more fully immerse themselves in nature, at the Naiko Retreat.

Further and with reference to the 'Significant Landscape Protection Overlay' (which carries greater weight than the Rural Zone), the proposal is for "high-quality, nature-based tourist accommodation" which is wholly consistent with PO 2.2(d) of the Overlay.

There is no question as to whether the proposed land use is appropriate. It is entirely appropriate.

Environmental impacts

The representors raised concern that the proposal could lead to environmental degradation of the land including; increased surface water runoff, erosion of soil, removal of native vegetation and fauna habitat loss.

The Applicant has confirmed that the site of the proposed built form and internal driveway is cropped, grazed farmland. It does not appear that native vegetation exists in these areas, and the habitat appears to be low quality for native animals. Areas of native vegetation exist at the western and northern boundary which have been planted and maintained by the Applicant over the past 20-30 years.

Since notification, landscape architecture firm Landsk p, has prepared a landscape plan for the proposal. The intent of the landscaping proposal is to complement the existing rural and natural character, through retention of grazed-cropped land in certain locations and intensive revegetation in suitable locations e.g. low lying areas, at the boundaries near coastal trails, and adjacent the new driveway and tourist



accommodation building. **Images 1 and 2** provide extracts of the landscaping proposal. A detailed species list is also provided which based selections on:

- Native Vegetation Overlays identified as Drooping sheoak (*Allocasuarina verticillata*) low woodland (H22) & Coast daisy-bush (*Olearia axillaris*) and coast beard-heath (*Leucopogon parviflorus*) shrub land (H41). Species courtesy of the Urban Biodiversity Unit, Department of Environment and Natural Resources, South Australia.
- The draft *Bluff Masterplan 2023-2043*.
- Revegetation plant lists for Wright Island and Granite Island from the *Fleurieu Islands Biodiversity Action-Plan 2016*.

The following features of the landscaping proposal address the items raised in the representations:

- Limiting impervious areas, through unsealed driveways and increased planted areas, limits hard surfacing to reduce potential for increased surface water run-off.
- The inclusion of rainwater tanks to capture rainwater will assist in limiting additional run off.
- Increasing native vegetation planting in proximity to the built form will assist in limiting potential for erosion. It also assists in nestling the building into its landscape and providing a vegetated backdrop to reduce visual impacts as viewed from the Bluff.
- Selection of local species and revegetation is consistent with guiding principle "Re-wilding The Bluff (revegetation and landscape management)" of the draft Bluff Master Plan 2023 – 2043 which seeks:

"Continual landscape improvements through additional re vegetation, and creation of native habitat, and appropriate land management.

Additional native vegetation planting will provide more opportunities for native habitat and fauna".

- Boundary planting adjacent to the coastal trails on the southern boundary creates a vegetated buffer between the land and the coastal trails.



Image 1 – Landscape Plan



Image 2 – Landscape Plan





View impact

A number of representors raised concern that the proposal would impact views from the Bluff to the land and impact on the overall coastal vista. One representor from Rosemary Court suggested that their view from their dwelling would be altered because of the proposal. The proposal will not alter their view because they cannot see the site of the development from their property due to the existing established vegetation on the northern boundary – refer **Image 3** below.

As detailed in the Landscape Plan, curving of the internal driveway and additional screen planting, at strategic locations, provides further visual relief of the built form.

Image 3 – View from Jagger Road



Source: Landsk p

With respect to views from the Bluff and coast to the land, a degree of change is anticipated because a building is being constructed where there presently isn't one. To understand if the change is acceptable, we need to demonstrate if the use is

acceptable, and the building form is well sited and designed to minimise impacts to views.

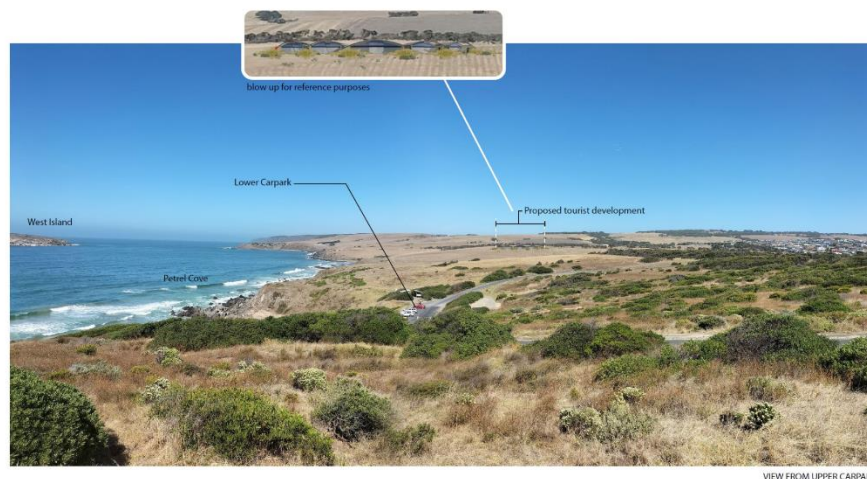
We have already demonstrated that the Rural Zone anticipates tourist accommodation, and the Significant Landscape Overlay specifically allows for “high-quality, nature-based tourist accommodation” - PO 2.2(d). PO 2.1 of the Overlay provides guidance on siting and design:

PO 2.1 Development is carefully sited and designed to:

- (a) complement rural or natural character**
- (b) minimise disruption to natural landform**
- (c) integrate existing natural environmental features, including native vegetation**
- (d) minimise impacts on wildlife habitat**
- (e) be low-scale**
- (f) be visually unobtrusive and blend in with the surrounding area**
- (g) be located below ridge lines.**

A photomontage of the proposed development has been prepared by the Architect Max Pritchard Gunner Architects. An enlarged version is also attached to this correspondence.

Image 4 – Photomontage as viewed from the Bluff



This image demonstrates how the proposal achieves PO 2.1. Most importantly, it demonstrates that the built form is visually unobtrusive and blends in with the surrounding area.



Application process

A number of representations suggested that the proposal included 'rezoning' of land.

The proposal does not seek to rezone land.

It is a Development Application for a tourist accommodation proposal. Tourist accommodation is performance assessed on its merits against the Code in the Rural Zone. No amendments to the Rural Zone policy are proposed.

Impact on trails

There is no change proposed to the network of trails which exist in proximity to the land.

All licenses granting access to the land with respect to the local heritage trail and the Heysen Trail remain in place.

The proposed built form will not be visible from any part of the Heysen Trail as was suggested by some of the representors.

The proposed revegetation works adjacent to the coastal frontage will provide increased amenity for users of the trails.

Traffic impacts

A number of representors raised concern that the proposal would result in 'congestion' and safety issues on Jagger Road. Waste collection (and associated truck movements) was also raised.

Advice from Cirqa Traffic Consultants is attached to this letter. The advice includes a review of the representations with respect to traffic generation and waste collection. The advice found:

"...that there will be extremely low traffic generated by the proposed tourist accommodation units. The proposal would have no notable impact on traffic conditions (including road safety and amenity) on the adjacent road network. Additional refuse collection vehicle movements would not be required to service the development, as it would generate low levels of waste which could be collected via Council's existing collection service".

Scale of the development

Some representors raised the matter of the scale of development in their representations. We have taken scale of development to include building height and overall footprint / floor area. In discussing scale, it is important to also acknowledge,



that this is a small-scale facility with only 5 units. At full occupancy this equates to just 12 guests.

The Rural Zone PO 6.3, PO 6.4, DPF 6.3 and DPF 6.4 specific to 'Shops, Tourism and Function Centres' provides guidance on scale of the development.

PO 6.3 Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences.

DPF 6.3 Tourist accommodation:

- (a) is ancillary to and located on the same allotment or an adjoining allotment used for primary production or primary production related value adding industry**
- (b) in relation to the area used for accommodation:**
 - (i) where in a new building, does not exceed a total floor area of 100m²**
 - (ii) where in an existing building, does not exceed a total floor area of 150m²**
- (c) does not result in more than one facility being located on the same allotment.**

PO 6.4 Tourist accommodation proposed in a new building or buildings is sited, designed and of a scale that maintains a pleasant rural character and amenity.

DPF 6.4 Tourist accommodation in new buildings:

- (a) is set back from all allotment boundaries by at least 40m**
- (b) has a building height that does not exceed 7m above natural ground level.**

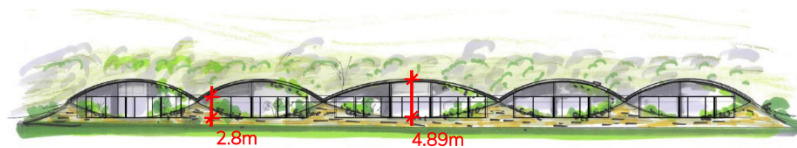
The accommodation building is approximately 800 sqm, this is inconsistent with DPF 6.3(b)(i) which lists a maximum floor area of new buildings of 100 sqm. In the context of the land which has an area of 23.75 hectares, the accommodation building accounts for 0.33% of the site. Strict compliance with a DPF is desirable but not necessary where a proposal can demonstrate it meets the PO in another way or has cumulative merit when viewed against all relevant policies. According to the Code, the role of DPF's is:

"to assist a relevant authority to interpret the performance outcomes...A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies", Part 1 – Rules of Interpretation.

The proposal achieves all remaining criteria of DPF 6.3 and 6.4:

- it is located on the same and adjoining allotment to primary production - DPF 6.3(a).
- it results in one tourist accommodation facility on the one allotment - DPF 6.3(c).
- the accommodation building is located on 40.74 metres from the nearest allotment boundary and the nearest allotment to the west, is under the ownership the Applicant - DPF 6.4(a).

- due to the curvature of the roof, the single storey accommodation building, ranges in height from 2.8m to 4.89m, which is well below the 7m height listed in DPF 6.4(b).



In terms of overall scale, when viewed cumulatively, the proposal is consistent with PO 6.3 and 6.4 because:

- the land still contains significant area available for use as cropped pasture and primary production activities will remain, with the primary use of the land being for primary production and the Applicant has demonstrated their capability in providing authentic visitor experiences and high-quality, nature-based tourist accommodation – PO 6.3.
- as detailed in earlier sections of this response, it has been demonstrated that the new buildings are sited, designed and of a scale that do not unreasonably impact on the existing pleasant rural character and amenity – PO 6.4.

The scale of the proposal is appropriate given this context.

Noise

Two submissions raised the item of operational noise as a concern. This was in terms of noise from bin collection and noise from vehicles using the site.

The Planning and Design Code sets the desired outcome for developments, which might affect the sensitive receivers in adjacent areas as follows:

DO 1 Development is located and designed to mitigate adverse effects on or from neighbouring and proximate uses.

The following requirements (performance outcomes) of the Code are relevant to the design and siting of the proposed developments (Section Interface Between Land Uses):

PO 1.1 Sensitive receivers are designed and sited to protect residents and occupants from adverse impacts generated by lawfully existing land uses (or lawfully approved land uses) and land uses desired in the zone.

PO 1.2 Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.



The siting of the built form is located in excess of 400 metres away from the nearest sensitive receivers on Jagger Road. This design outcome minimises the potential for adverse noise impacts from guests of the tourist accommodation.

The potential for noise impacts arising from the tourist accommodation building are minimal given that at full capacity it can accommodate up to 12 people.

Noise from vehicles coming to the site will be limited to waste collection, guests and servicing via the existing access point to Jagger Road.

The noise from a waste collection vehicle is not an unreasonable impact given the representors live in a suburban context, where their rubbish would routinely be collected by a waste collection vehicle. The amount of waste generated from 5 tourist accommodation units would likely have the same impact as 2-3 dwellings in a suburban context. In terms of waste storage, this would be accommodated in the service building until such time that collection occurs.

As detailed earlier in this response, the amount of additional traffic is considered minimal in the context of Jagger Road. The amount of likely traffic and frequency of movements is not unreasonable given that this land could reasonably be developed to accommodate a 5-6 bedroom dwelling of similar footprint and traffic generating capability.

Whilst not raised by the representors, it is important to also have regard to the acoustic properties of the proposed built form for guests. The built form provides separation between the accommodation units, which also provides acoustic reprieve between units. This design consideration will assist in reducing the potential for noise transfer between the units.

Sewerage and wastewater system

One representor raised the item that the Applicant did not provide detail on the proposed wastewater management approach in terms of connection to sewer or on-site management.

The Applicant's engineers have indicated, at a preliminary level, that satisfying Council's environmental health policies will be straightforward given the scale of the development, the size of the land and its relative benign topographical features which also do not include any watercourses.

Non-planning issues

The following additional items were raised by representors, that are not considered planning issues:

- Human health and wellbeing.



- Property values.
- The cultural and historical significance of the land.
- Construction activities.
- The interaction of the proposal with a Council policy document not referenced in the Code i.e. the draft Bluff Masterplan 2023-2043.

A further matter was raised by representors regarding the appropriateness of the timing in which Council sought feedback over the Christmas break and other administrative and operational functions of the Plan SA portal. These are matters for Council to comment on. As I understand, extended periods of public notification are common over the Christmas break to account for the fact that individuals may be busy or away.

Health and well-being

There is nothing in the Code that seeks to limit development on the basis of potential impacts to health and well-being.

Cultural and historical significance of the land

The Applicant respects the cultural and historical significance that the Bluff (Kongkengguwarr, Longkewar, Rosetta Head) is on the lands of the Ramindjeri and Ngarrindjeri people, the Traditional Custodians of the land and surrounding waters. There was no formal requirement under the Code for the Applicant to directly engage with these peoples as part of the development application process.

The Applicant reached out to a local Elder regarding the potential naming of the tourist accommodation facility and is yet to receive feedback. The Applicant is open to discussions with the Traditional Custodians of the land and welcomes feedback and guidance.

Property values

There is nothing in the Code that seeks to limit development on the basis of potential impacts to property values of adjacent land.

Construction activities

The Code does not provide guidance on the control of construction activities for development. Regulation of the environmental impacts of construction is undertaken through the *Local Nuisance and Litter Control Act 2016* (LNLC Act) which is enforced by Council should matters of nuisance arise.



The draft Bluff Masterplan 2023-2043

The draft Bluff Master Plan 2023-2043 (the Master Plan) prepared by Council recently ceased public notification. The Master Plan seeks a shared vision to guide the future of the Bluff.

The Master Plan relates to land which is adjacent the site of the proposal. The Bluff is under the care and control of the Crown via the City of Victor Harbor and the Department of Environment and Water (DEW). The requirement to uphold the strategic objectives of the Master Plan is a matter for the Crown, not the Applicant.

Conclusion

I wish to appear at the Council Assessment Panel to respond to any matters raised by the representors in regard to this matter. Would you kindly advise me of the timing for the meeting so that I can be in attendance.

Yours sincerely

Matthew King
Managing Director

Enc: Landscape Plan prepared by Landsk p.
 Photomontage prepared by Max Pritchard Gunner Architects.
 Traffic advice prepared by Cirqa.

ROSETTA TOURIST
ACCOMMODATION
(FARM STAY)

LANDSCAPE PLAN

Project	Bluff Eco-Tourism
Ref No.	23.012
Client	Tony Johnson
Architect	Max Pritchard Gunner
Planning	URPS
Date	08.03.2023
Issue	Planning

LANDSKÅP

EXISTING SITE



LANDSKÅP

ROSETTALANDSCAPE

PLANNING

2

EXISTING SITE CHARACTER

- THE EXISTING LANDSCAPE:
- Used primarily for agricultural cropping and grazing.
 - The applicant has identified all vegetation on site was planted approximately 20-25 years ago and is not local endemic.
 - To the best of our professional knowledge there is no 'remnant vegetation' on-site.



View looking east towards Bluff
Open cropping / grazing

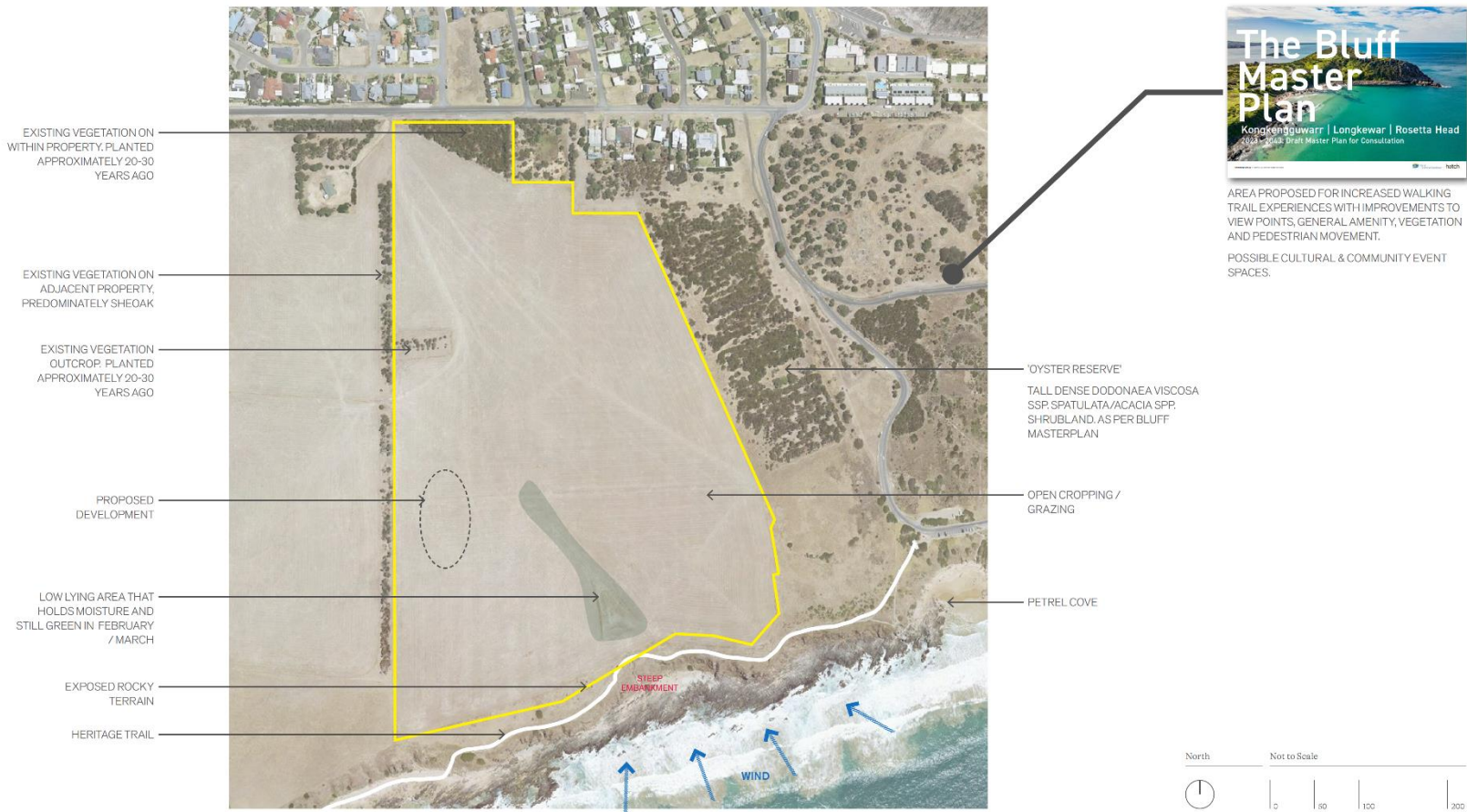


View looking north-east towards Wright & Granite Islands
Open cropping / grazing



Site screened by vegetation from Jagger Road
Vegetation buffer

SITE ANALYSIS & EXISTING VEGETATION



LANDSKÁP

ROSETTALANDSCAPE

PLANNING

4

PROPOSED LANDSCAPE PLAN



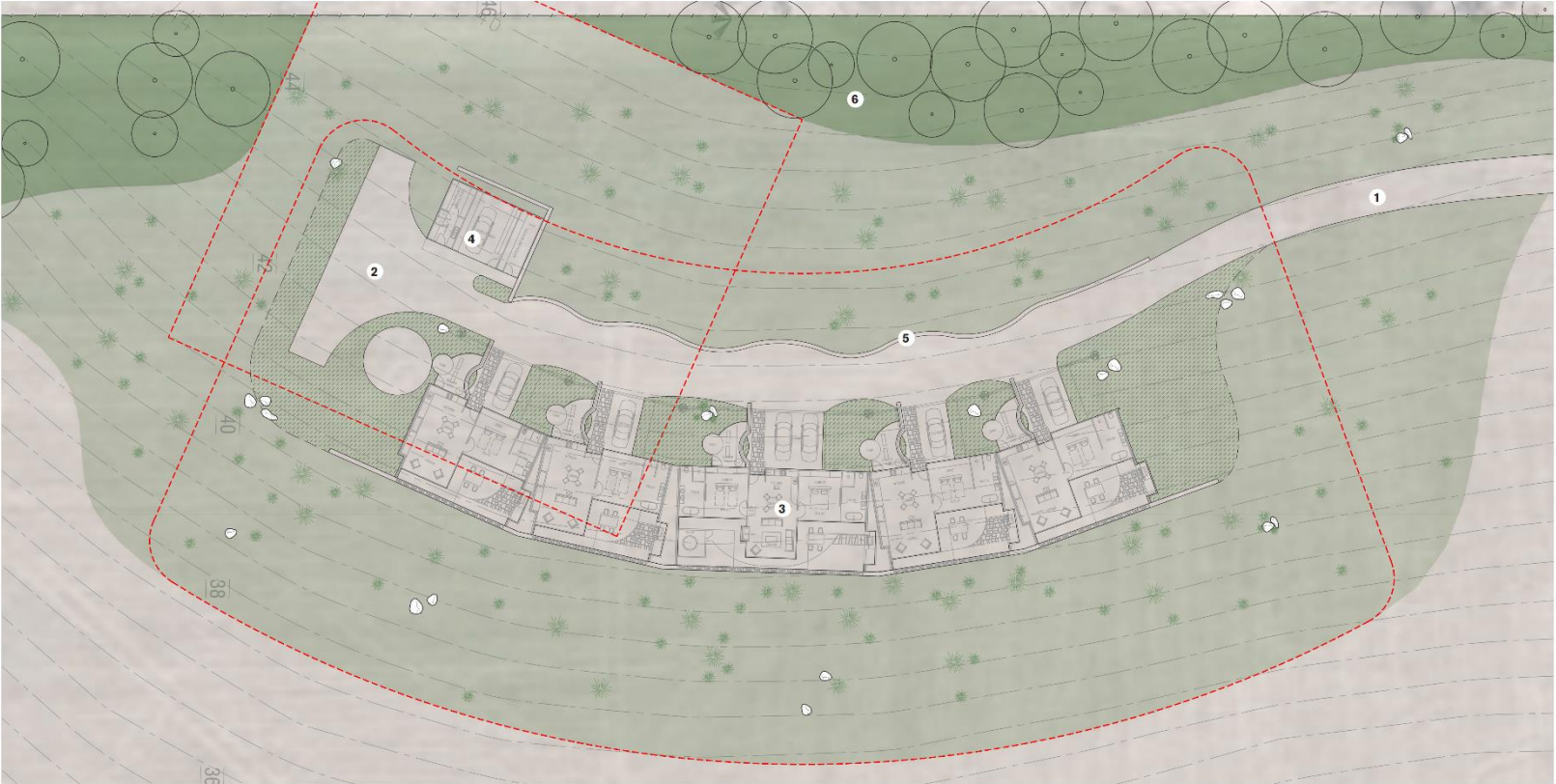
LANDSKAP

ROSETTA LANDSCAPE

PLANNING

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PROPOSED
LANDSCAPE PLAN



Property fence	3 Proposed building (Refer Arch)	Planting	Higher amenity planting	Cropping / Grazing
20m offset from proposed building	4 Proposed shed (Refer Arch)	<ul style="list-style-type: none">- Partially irrigated, subject to wastewater requirements.- Species to be selected to comply with CFS pending review- On-going maintenance to comply with CFS pending review- Refer Revegetation Types for species list	<ul style="list-style-type: none">- Irrigated- Species to be selected to comply with CFS pending review- On-going maintenance to comply with CFS pending review- Refer Revegetation Types for species list	<ul style="list-style-type: none">- Continued existing use
1 Entry road	5 Proposed retaining walls (Refer Arch)			
2 CFS Turn around	6 Type O2 Planting - Refer Revegetation Types			

REVEGETATION TYPES

REVEGETATION TYPE	PROPOSED AREAS	ADVANTAGES	DISADVANTAGES	PROPOSED SPECIES (SUBJECT TO AVAILABILITY)
TUBESTOCK PLANTING TYPE 01 PLANTING	All type 01 planting: — Small, steep and rocky areas — Most suitable for narrow windbreaks — Possible infill tree planting, refer species list Type 02	— Can see seedlings immediately, as they have at least 6 months head start on direct seeded plants — Can plant exactly where you want (even spacing, salty sites) and the species of plant — Can plant species grown from cuttings, saving on costs	— More labour intensive with planting & watering — Generally higher costs — Roots can become root-bound in pot & plants become top heavy — Can look very uniform and lack structural diversity — In a drought year you may lose more seedlings	— Austrostipa spp. — Poa poiformis — Fichia nodosa — Carpobrotus rossii — Correa alba var. pannosa
DIRECT SEEDING TYPE 02 PLANTING	— All type 02 planting	— More cost-effective & can re-vegetate large areas quickly — No watering required – plants grow in situ — Higher plant densities & a more natural, random distribution of plants — Plants are more tolerant of local conditions, because plants develop good root structure & undergo no disturbance — More drought tolerant, as seedlings can keep germinating many years after the direct seeding is undertaken	— Seedlings are more susceptible to insect pests, grazing vertebrates & snails — Limited to species that easily germinate from seed — Need large quantities of seed — Plantings can be patchy or have gaps, and germination can be variable on difficult sites — Native grass species are not generally suitable due to the size and shape of their seeds	— Allocasuarina verticillata — Acacia verticillata — Acacia pycnantha — Acacia dodonaeifolia — Acacia paradoxa — Bursaria spinosa — Dodonaea viscosa ssp. spatulata — Eucalyptus fasciculosa — Eucalyptus porosa — Melaleuca decussata — Acacia longifolia var. sophorae — Atriplex australasica — Austrostipa spp. — Carpobrotus rossii — Correa alba var. pannosa — Daniella longifolia var. grandis — Enchylaena tomentosa — Fichia nodosa — Myoporum parvifolium — Olearia pannosa ssp. pannosa — Poa poiformis — Rhagodia candolleana — Rytidosperma spp. — Scaevola calandulacea











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ROSETTA LANDSCAPE

PLANNING

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PROPOSED REVEGETATION SPECIES


POSSIBLE SHRUBS & TREES				
				
† ALLOCASUARINA VERTICILLATA	† ACACIA VERTICALLATA	† ACACIA PYCNANTHA	† ACACIA DODONAEIFOLIA	† ACACIA PARADOXA
Drooping Sheoak	Prickly Moses	Golden Wattle	Hop-bush Wattle	Kangaroo thorn
				
† EUCALYPTUS POROSA	† MELALEUCA DECUSSATA	† DODONAEA VISCOSA SSP. SPATULATA	† BURSARIA SPINOSA	† EUCALYPTUS FASCICULOSA
Mallee Box	Totem pole/ honey myrtle	Sticky Hop Bush	Sweet Bursaria	Pink Gum

Selections based on:


- Native Vegetation overlays identified as Drooping sheoak (*Allocasuarina verticillata*) low woodland (H22) & Coast daisy-bush (*Olearia axillaris*) and coast beard-heath (*Leucopogon parviflorus*) shrub land (H41). Species courtesy Urban Biodiversity Unit, Department of Environment and Natural Resources, South Australia.
- Bluff Masterplan 2023
- Revegetation plant lists for Wright Island and Granite Island from the Fleurieu Islands Biodiversity Action-Plan 2016

PROPOSED REVEGETATION SPECIES


POSSIBLE UNDERSTORY, GRASSES & GROUNDCOVERS




↑ AUSTROSTIPA SPP.
Spear Grass




↑ POA LABILLARDIERI
Common Tussock Grass




↑ RYTIDOSPERMA SPP.
Rytidosperma spp. (Wallaby Grass)



↑ FICINIA NODOSA
Knobby Club Rush




↑ ACACIA LONGIFOLIA SOPHORAE
Coast Wattle




↑ CARPOBROTUS ROSSI
Pigface

Selections based on:


- Native Vegetation overlays identified as Drooping sheoak (*Allocasuarina verticillata*) low woodland (H22) & Coast daisy-bush (*Olearia axillaris*) and coast beard-heath (*Leucopogon parviflorus*) shrub land (H41). Species courtesy Urban Biodiversity Unit, Department of Environment and Natural Resources, South Australia.
- Bluff Masterplan 2023
- Revegetation plant lists for Wright Island and Granite Island from the Fleurieu Islands Biodiversity Action-Plan 2016




↑ DIANELLA LONGIFOLIA VAR. GRANDIS
Pale Flax Lily




↑ OLEARIA PANNOSA SSP. PANNOSA
Silver Dasiybush




↑ MYOPORUM PARVIFOLIUM
Myoporum




↑ SCAEVOLA CALENDULACEA
Dune Fanflower



↑ ATRIPLEX AUSTRALASICA
Green Saltbush



↑ ENCHYLAENA TOMENTOSA
Ruby Saltbush



↑ RHAGODIA CANDOLLEANA
Scaberry Saltbush

LANDSKÅP

ROSETTALANDSCAPE

PLANNING

9

PROPOSED
REVEGETATION
MANAGEMENT

PLANTING NOTES

- The proposed revegetation mix has been designed to provide appropriate greening and landscape amenity for the proposal.
- We note that final species selections will be subject to availability..
- A mix of direct seeding and tubestock planting is recommended for the chosen species and locations.
- All planting must be undertaken at the correct time and subject to seasonal rain and soil moisture levels.

ESTABLISHMENT & FAUNA PROTECTION

- It is proposed to keep stock out of this portion the property during the establishment years to minimise the amount of fencing required and increase survival rate of all revegetation.
- Native grasses are slower to germinate and establish than most introduced species, therefore it is very important to ensure the seed bed is free of weeds and weed seeds. Weed seed control can be achieved by encouraging weed seed to germinate and then eradicate it before sowing the native seeds.
- Compostable core flutes may be required for some tube stock plantings but the intention is to undertake majority direct seeding and avoid the requirement for complete core-flutes. This approach aligns to the revegetation management framework currently being utilised in the adjacent Bluff 'Significant Environmental Benefit (SEB) sites, suggesting the use of cardboard compostable guards or reusable mesh guards in high wind locations.
- New plantings should be marked to distinguish them amongst weeds, during weed control.

MAINTENANCE

- The applicant will be responsible for the ongoing maintenance of plantings, including replacing failed stock if required.
- Species selections will require minimal maintenance (ie, no pruning).
- No fertiliser is necessary. In particular, avoid any phosphate-based fertilisers.
- A variety of control methods including hand pulling, cutting, swabbing and foliar spraying are to be utilised for weed control and should focus on those weeds which are either Declared Weeds, WoNS, or those that are particularly invasive or a threat to areas of high biodiversity value such as along eastern boundary interface with Oyster Reserve.
- Use of herbicides should be avoided until native grasses are established. Selective broadleaf herbicides can then be used.
- If any bare areas appear over time, stop mowing in the late spring to allow the natives to set seeds. This seed can be collected in the mower's catcher and spread over any thin areas.

EXPECTED GROWTH

- A range of shrubs and trees have been selected to provide adequate screening and vegetation buffer to the road & adjacent properties.
- The species are proposed to be mixed together and it is anticipated that their varied heights and forms provide a multi-layered environment.
- Inspection of germination & growth to occur annually, in particular, in April of the following year after direct seeding.
- This review will determine the success of the seeding, identify any further weed control requirements or additional seeding/ planting requirements and materials required to sustain the revegetation as desired across the project site.

PROPOSED
DIRECT SEEDING
SPECIFICATION

SEED	SITE PREPARATION	AFTER SEEDING	FOLLOWING YEAR
<p>Type</p> <ul style="list-style-type: none">— Use local native seed mix (as per requirements of the project) <p>Availability</p> <ul style="list-style-type: none">— Seed can be collected locally between September and March. Seed is also available to purchase from local native seed suppliers. <p>Quantity</p> <ul style="list-style-type: none">— Recommended 750g/ linear km <p>Pre seeding treatments</p> <ul style="list-style-type: none">— Are required for different types of seed – eg hard coated seed (Acacia and Dodonaea etc) required cracking of the seed coat. Eucalyptus and Melaleuca require no treatments however must be fresh seed.— Other species may have specialist needs. Seed treatments should occur 1 to 7 days prior to seeding depending on pre seeding treatment methods. <p>Time of Seeding</p> <ul style="list-style-type: none">— Months – Best seeding time is between June and July (season/ rainfall dependant).	<p>Summer active weeds</p> <ul style="list-style-type: none">— Grasses such as Couch and Kikuyu during times of active growth.— Other summer active weeds may also need control. <p>Winter weeds</p> <ul style="list-style-type: none">— The site must be free of competition plants therefore the area should be sprayed with a non-selective herbicide to kill all weeds two (2) weeks prior to seeding. <p>Soil</p> <ul style="list-style-type: none">— The soil should show signs of moisture at the time of seeding.(season/ rainfall dependant).— Minimal tillage is recommended (unless the soil is heavily compacted) as native grasses prefer shallow sowing (5mm). Minimal tillage also reduces the chances of bringing fresh weed seed to the surface where it will compete with the natives.	<p>Rainfall</p> <ul style="list-style-type: none">— Direct seeding relies on rainfall within 7 to 14 days after seeding with follow-up showers over the winter months. <p>Germination</p> <ul style="list-style-type: none">— Expect germination to occur within 6 weeks and will continue for up to 3 years after seeding. <p>First Review</p> <ul style="list-style-type: none">— A review of germination is required 8 to 10 weeks after seeding to understand germination and weed regrowth impacts. <p>Weeds</p> <ul style="list-style-type: none">— Depending on the season and site type, a follow-up non-selective herbicide spray, each side of the seeded line, may be required to control excessive weed growth.— This control method will assist to manage soil moisture, making it available to young seedlings over the summer months.— A shielded spray nozzle is used to avoid contact with young germinates at the time of spraying.	<p>Second Review</p> <ul style="list-style-type: none">— Inspection of germination to occur in April of the following year after seeding.— This review will determine the success of the seeding, identify any further weed control requirements or additional seeding/ planting requirements and materials required to complete the project.

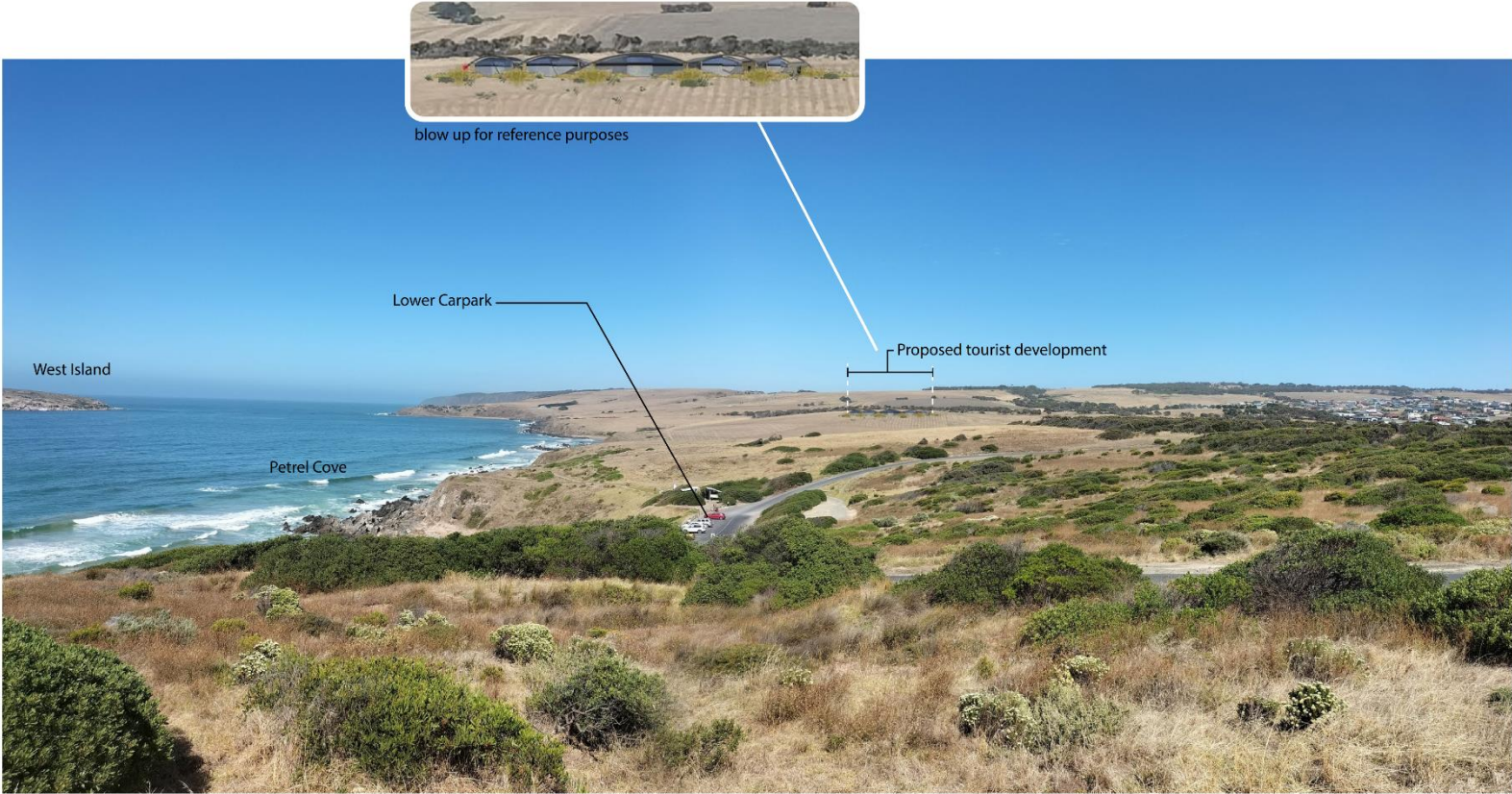
Specification based on information provided by
Environments by Design



URBAN DESIGN, LANDSCAPE
ARCHITECTURE & GARDENS

HELLO@LANDSKAP.COM.AU
LANDSKAP.COM.AU

LANDSKAP



VIEW FROM UPPER CARPARK



Ref: 23094|JJB

21 March 2023

Chelsea Jurek
URPS
12/154 Fullarton Road
ROSE PARK SA 5067

Dear Chelsea,

**TOURIST ACCOMMODATION
LOT 2 JAGGER ROAD, ENCOUNTER BAY**

I refer to the proposed tourist accommodation at Lot 2 Jagger Road, Encounter Bay. As requested, I have reviewed the proposal and associated representations received as summarised below.

BACKGROUND

The subject application comprises the proposed development of five proposed tourist accommodation units within the subject site. The units are proposed to be accessed via a common driveway with an associated access point on Jagger Road.

Subsequent to the lodgement of the application, a number of representations were received as part of the community notification process. The key issues raised in the representations (relevant to my expertise) are summarised below followed by my response.

TRAFFIC IMPACTS

A number of representors raised concern that the proposal would result in 'congestion' and safety issues on Jagger Road.

In respect to traffic generation associated with the proposal, the RTA's "*Guide to Traffic Generating Developments*" (the RTA Guide) is commonly used by traffic engineers in order to determine the forecast traffic generation of a variety of land uses, including tourist accommodation. The RTA Guide identifies peak period trip generation rates for casual accommodation units of 0.4 peak hour trips per unit and 3 daily trips per unit. Based on

CIRQA Pty Ltd | ABN: 12 681 029 983 | PO Box 144, Glenside SA 5065 | P: (08) 7078 1801 | E: info@cirqa.com.au
CIRQA\Projects\23094 Chelsea Jurek 21Mar23



this rate, the proposed development is forecast to generate two trips during the peak hour and 15 daily trips (both assuming full occupancy).

Such traffic volumes are extremely low for both the peak hour and daily periods. The additional traffic movements would easily be accommodated at the access point and on the adjacent road network. The impact on the surrounding road network would be negligible. The proposal would not cause 'congestion' as suggested by some of the representors nor would it present any notable change in conflict risk on the road network.

WASTE COLLECTION

One representor raised concern regarding the increased level of waste collection (and associated truck movements) as a result of the proposal.

The proposal will generate low levels of waste (less than the same number of typical residential dwellings). Accordingly, refuse collection is proposed to occur on-street via Council's standard three-bin waste collection service. As such, refuse vehicles will not be required to access the subject site.

Refuse bins will be presented on Jagger Road (by site management) for collection by Council's refuse collection vehicle. This is not anticipated to increase the number of refuse vehicle movements on Jagger Road (as Council collection currently occurs for the existing dwellings on Jagger Road).

SUMMARY

Having reviewed the proposal, I am of the opinion that there will be extremely low traffic generated by the proposed tourist accommodation units. The proposal would have no notable impact on traffic conditions (including road safety and amenity) on the adjacent road network. Additional refuse collection vehicle movements would not be required to service the development, as it would generate low levels of waste which could be collected via Council's existing collection service.

Please feel free to contact me on (08) 7078 1801 should you require any additional information.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "JB Bayly".

JEREMY BAYLY

Technical Officer | CIRQA Pty Ltd

Attachment 4



Government of South Australia

Coast Protection Board

Ref: CPB 161/22
4 April 2023

Development Assessment Manager
City of Victor Harbor

L6, 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	22040230
Applicant	Tirroki P/L
Description	5 self-contained accommodation units, service building and associated infrastructure
Location	Lot 2 Jagger Rd Encounter Bay
Planning Zone	Zone: <ul style="list-style-type: none"> • Rural Zone Overlays: <ul style="list-style-type: none"> • Coastal Areas • Significant Landscape Protection • Environment and Food Production Area • Hazards (Bushfire - Medium Risk) • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Limited Land Division • Native Vegetation • Prescribed Water Resources Area • State Significant Native Vegetation • Water Resources
Council	DC Victor Harbor
Planning Authority	Assessment Panel at City of Victor Harbor

The above development application was forwarded to the Coast Protection Board (the Board) for its response in accordance with the Planning, Development and Infrastructure Act 2016 & Planning, Development and Infrastructure (General) Regulations 2017.

The following response is provided under delegated authority for the Board, in compliance with the policies within its Policy Document 2022 at:

<https://cdn.environment.sa.gov.au/environment/docs/coast-protection-board-policy-document-gen.pdf>

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

<https://cdn.environment.sa.gov.au/environment/docs/coastal-planning-information-package-gen.pdf>

Proposal

5 self-contained accommodation units, service building and associated infrastructure.

The Board had requested further information with regards to landscaping and visual impact assessment, which was satisfactorily addressed by the applicant.



Figure 1: Subject allotment, development footprint and locational context. Source: Application documents



Figure 2: Eastern elevation of proposed accommodation units. Source: Application documents

Assessment

Coast Protection Board Policy

As per the Coast Protection Board's Policy Document 2002, the Board seeks to:

- minimise impacts of development on the coast
- maintain compact coastal settlements and restrain ad-hoc development along the coastline
- retain coastal open space
- 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.

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.*

[Guidelines for proposed coastal development outside of urban areas are contained in Appendix 3 of this Policy Document.]"

The coastline in this locality includes sparsely developed farmland (including tourist accommodation) and conservation land. The proposed tourist accommodation and associated infrastructure can be considered as "scattered coastal development" as it is within the Coastal Areas Overlay, but further noting the allotment is within the Rural Zone.

As per Policy 1.5(a) the Board generally opposes such development, however it makes an exception for tourist accommodation, which it will assess on its merits. This policy may also favourably consider scattered coastal development which has a significant public or environmental benefit, with Policy 1.6 providing guidance on that matter.

The proposal is therefore not automatically at odds with Policy 1.5(a) as it is tourist accommodation development. The application also proposes a revegetation area, which the Board considers to be of moderate environmental benefit.

Further, Policy 1.6 states that tourist accommodation development outside of urban areas may be supported if it is subservient to important natural values; it is not subject to coastal hazards; adverse impacts on natural features, landscapes, habitats, threatened species and cultural assets are avoided or minimised; and it will not significantly impact on the amenity of scenic coastal vistas.

As detailed below, the Board considers that proposed development meets each of the parameters of Policy 1.6.

The above Policy goes on to reference Appendix 3 which provides guidance around siting and design for scattered development, which states that:

“... coastal development outside of urban areas should demonstrate measures to conserve and preferably enhance the coastal values of the site, for example through:

- Avoiding impact to threatened fauna and flora species and their habitat;*
- Being sited to avoid impacting on highly valued, undeveloped coastal vistas;*
- Being designed so that it is responsive to the landform and natural environment;*
- Implementation of a native flora revegetation program; and/or*
- Establishment of a Heritage Agreement or Land Management Agreement, over all or part of the allotment, to protect it from further development or ensure ongoing conservation management.*

The Board considers that the proposed development either meets or is not significantly at odds with the above parameters.

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.”

The development is not subject to a coastal flooding or erosion hazard risk.

Access

Coast Protection Board Policy 6.1(a):

“The Board will encourage and support environmentally sustainable access to the coast.”

The regionally important Heysen Trail traverses along the edges of this coastline, and is nearby the site's southern boundary. The proposed development does not physically impact on access to the trail, and clients of the proposed facility will have ready access to the trail, which is appropriate.

Scenic Amenity

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 5.1:

“The Board will facilitate and support the identification, recognition and protection of coastal areas with a:

- significant landscape value,*
- marine archaeological heritage,*
- cultural significance, and*
- scientific significance.”*

Coast Protection Board Policy 5.2(a):

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

The allotment upon which the development is sited is part of a spectacular coastline that is sparsely developed and has a highly valued scenic amenity. Scenic amenity underpins the tourism economy of this region, and the Heysen Trail, along with a select few visitor vantage points on the Bluff and surrounds provides for exceptional vistas and experiences which should not be spoilt by development.

The Board has considered the degree to which the proposed development will impact on the visitor experience along the subject section of coastline. In doing so it has considered:

- the siting, scale and design of the proposed development
- the visibility of the proposed development from a key visitor carpark and lookout on the Bluff, and from the Heysen Trail
- the overall nature of the subject landscape and the location of that development within that landscape.

As per Figure 3 the proposed development will be visible from vantage points on the Bluff, however it is reasonably distant and more importantly it is set back from the coastal edge (to which people's attention is drawn), and not silhouetted above a ridgeline beyond. Established native vegetation lies beyond the proposed development and proposed vegetation plantings have been designed to further soften its visibility. Further landward other development is visible, including residential subdivision.

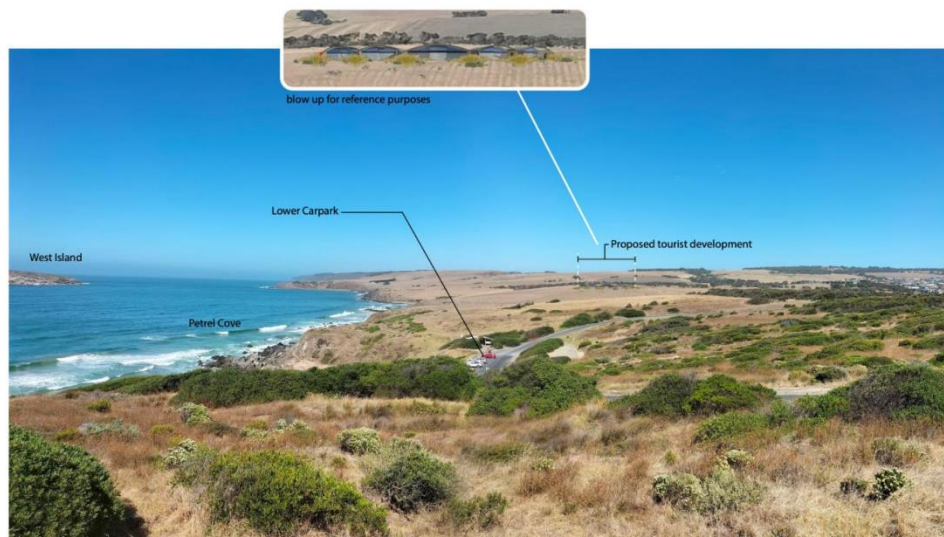


Figure 3: Rendition of visibility of proposed development from The Bluff carpark lookout.
Source: Application documents

The Board has not been able to determine the extent to which the proposed development will be visible from hikers along the Heysen Trail, although it is well landward from the trail and persons utilising it generally have a focus on coastal cliff edges, beaches, West Island and the Southern Ocean.

In total the buildings will represent a minor component of the overall vista from vantage points and will not significantly detract from the coastal experience. As such it is not at odds with the above Board policies.

Biodiversity / landscaping Native Vegetation

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 allotment is devoid of significant native vegetation as a result of farming and presumably has low native fauna values. Relatively small areas of existing trees/shrubs are established on the allotment.

The application documentation includes a professionally prepared planting and maintenance program which, over time, will improve local biodiversity outcomes and also reduce the visual impact of buildings and other infrastructure. The proposed development is therefore consistent with the above policies.



Figure 4: Portion of proposed landscaping detail. Source: Application documents

Coast Protection Board Response

The Coast Protection Board advises it has no objections to the proposed development.

Yours sincerely



Murray Townsend

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

4.2 Two Storey Detached Dwelling and Associated Retaining Walls at 40 Minke Whale Drive, Encounter Bay

Committee	Council Assessment Panel
Meeting Held	09/05/2023
From	Adele Davis-Cash
File Reference	22019022
Subject Land	40 Minke Whale Drive, Encounter Bay
Applicant	New Creation Group
Zone	Hills Neighbourhood Zone
Plan Date	P&D Code capture 17 June 2022
Public Notice	Required <i>In accordance with the Planning, Development and Infrastructure Act 2016, no representors have sought to address the Panel.</i>
Recommendation	Approval

RECOMMENDATION

I recommend that the Council Assessment Panel:

- 1) RESOLVE that the proposed development is NOT seriously at variance with the provisions in the Planning and Design Code.
- 2) RESOLVE to grant Planning Consent to New Creation Group, Application ID 22019022 for a Two Storey Detached Dwelling and Associated Retaining Walls Dwelling at 40 Minke Whale Drive, Encounter Bay, subject to the following conditions:
 1. The development shall be in accordance with the plans and details submitted (including amended plans dated 22 March 2023 and 6 March 2023) to and approved by Council as part of the application, except as varied by any subsequent conditions imposed herein.
 2. Proposed earthworks (excavation and/or fill) adjacent to a property boundary shall be protected using an engineer designed retaining wall and/or an appropriately battered slope, or provide Council with details of an alternate protection measure. Such protection measures shall be installed during the construction phase of the building to the reasonable satisfaction of Council and completed prior to the occupation/use of the approved building.

PLEASE NOTE: There may be a requirement to give the adjoining owner 28 days

notification under the Building Rules. To check whether this is the case please contact your Builder, Private Certifier or Council as the case may be.

3. Proposed retaining walls shall be constructed as part of the construction phase of the building and completed prior to the occupation/use of the approved building.

PLEASE NOTE: There may be a requirement to give the adjoining owner 28 days notification under the Building Rules. To check whether this is the case please contact your Builder, Private Certifier or Council as the case may be.

4. All site generated stormwater shall be directed underground via drainage infrastructure that shall be provided by the applicant within seven (7) days from the installation of the roof covering. All stormwater flows are to be discharged directly into the existing internal underground stormwater drain.
5. The external materials and finishes of the development shall be of a low light-reflective nature.
6. Upstairs windows to South Elevation and North Elevation shall have minimum window sill heights of 1.5 metres above finished floor level, or any glass below 1.5 metres shall be manufactured obscure glass, fixed shut or by a wind out mechanism (to open no greater than 200mm) and hinged at the top of the window panel, or, as otherwise approved by Council to ensure reasonable protection of privacy.
7. The privacy screen to the sides of the rear balcony (as shown on South Elevation and North Elevation) shall be installed prior to occupation of the dwelling to a minimum of 1.5 metres in height above the finished floor level and be constructed so that the voids are no larger than 40mm x 40mm and the dividing strips are at least 25mm wide or otherwise to Councils reasonable satisfaction.
8. The site shall be landscaped to achieve a high level of amenity to complement the locality and to the reasonable satisfaction of Council.

SUBJECT LAND

The subject land comprises No. 40 (lot 35) Minke Whale Drive, Encounter Bay, being the land to which Certificate of Title Volume 5145 Folio 599 refers. It is an irregular shaped vacant allotment located on the eastern side of Minke Whale Drive; devoid of any vegetation with a slope of approximately 5m (1:7 gradient) from the west to east (slightly diagonal across the block); has a street frontage of 18m and site area of approximately 612m². In addition, the subject land contains a combined service easement to SA Water (sewer) and drainage easement (stormwater) to Council along the rear of the allotment boundary.

The subject land is bound to the west by Minke Whale Drive, to the north and east by two storey detached dwellings, and to the south by a vacant allotment.



LOCALITY

The immediate locality comprises primarily single and two-storey detached dwellings (of various sizes and designs) on individual allotments ranging from 480m² to 900m², and a number of vacant allotments. The topography of the land within the immediate locality has a moderate to steep slope predominately from an east to west direction as the land rises steadily up from Encounter Bay towards Three Gullies Road. Most dwellings have been designed and sited in order to obtain views to Encounter Bay, the Bluff and towards the Victor Harbor township.

In view of the aforementioned, it is considered that the locality generally exhibits the character of a developing residential area, wherein the built form varies and the residential density is consistent.

PROPOSAL

The applicant (New Creation Group) proposes to construct a two-storey detached dwelling and associated retaining walls. The proposed dwelling will comprise of the following;

- Comprise approx. 277.58m² of living area over both levels, a 97.55m² garage, and upper level rear balcony of 28.31m².
- Ground floor comprises of 2 bedrooms, a living area, laundry and bathroom.
- Upper floor comprises 1 master bedroom with walk-in-robe and ensuite bathroom, study and powder room and open plan kitchen/living/dining areas.
- Mix of hebel render and Scyon Linea cladding to external walls and colorbond roof.
- All stormwater is to be directed to the rear drainage easement.

A copy of the proposal is contained in [Attachment 1](#).

PUBLIC NOTIFICATION

Generally, all classes of performance assessed development require public notification unless, pursuant to Section 107 (6) of the PDI Act, the class of development is specifically excluded from notification by the Code in Table 5 – Procedural Matters (PM) – Notification of the relevant Zone.

In this instance, the Retaining Walls and Dwelling is not excluded from notification in the Hills Neighbourhood Zone. Reason being the retaining walls exceed 1.5 metres in height and the dwelling exceeded 9 metres in height. Initially, the proposed development included retaining walls up to 3 metres high to retain site fill along the northern and southern boundaries. In addition, the dwelling was up to 9.57 metres high (inclusive of fill) and was notified accordingly.

At the expiry of public notification two (2) representations were received. The representations received raised concern about the height of the dwelling, particularly in relation to the streetscape and impacts on views. A copy of the representations is provided in [Attachment 2](#).

The applicant has amended the plans for the proposed dwelling by the following;

- Reduced the dwelling length by 1.6 metres increasing the rear setback to 6 metres;
- Reduced the dwelling height by approximately 1 metre (approximately up to 8.5m high inclusive of fill);
- Reduced the overall dwelling footprint by 42.93m²;
- Flipped the ground floor garage and living areas and amended the upper floor internal layout
- Separated the rear retaining wall (at the easement boundary) into two stepped tiers;
- Removed the stairs encroaching into the rear easement.

The applicant's written response to representations is provided in [Attachment 3](#). And a copy of the superseded plans are provided in [Attachment 4](#) for information purposes.

ASSESSMENT

The Dwelling and Retaining Walls are not classified as an Accepted, Deemed-to-Satisfy, Restricted or Impact Assessed development within the relevant Tables of the Zone.

The proposed development is therefore a Code Assessed - Performance Assessed development pursuant to Sections 105(b) and 107 of the Act, requiring an on-merit assessment against the relevant provisions of the Code. Given a detached dwelling and retaining wall has a specified Performance Assessed Pathway in Table 3 of the Zone, the applicable policy is determined as per the Planning and Design Code Rules of Interpretation which state the following;

The policies specified in Table 3 constitute the policies applicable to the particular class of development within the zone to the exclusion of all other policies within the Code, and no other policies are applicable.

These pre-determined applicable Code policies include those from the Hills Neighbourhood Zone and General Development Policies. In addition to assessment against the Zone and General Development policies of the Code are the provisions in the Overlays as follows;

- Native Vegetation Overlay
- Affordable Housing Overlay
- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding - Evidence Required)
- Prescribed Water Resources Area

These applicable provisions of the Code which relate to the proposed development are as follows;

Hills Neighbourhood Zone

Desired Outcome: DO 1

Performance Outcome: PO 1.1, PO 2.1, PO 3.1, PO 4.1, PO 5.1, PO 8.1, PO 9.1, PO 10.2, PO 11.1, PO 11.2, PO 11.3

Native Vegetation Overlay

Desired Outcome: DO 1

Performance Outcome: PO 1.1, PO 1.2, PO 1.4

Hazards Flooding Overlay

Desired Outcome: DO 1

Performance Outcome: PO 1.1

General Development Policies

Design in Urban Areas

Desired Outcome: DO 1

Performance Outcome: PO 8.1 - PO 8.5, PO 9.1, PO 9.2, PO 10.1, PO 10.2, PO 17.1, PO 17.2, PO 18.1, PO 20.1 – 20.3, PO 21.1, PO 21.2, PO 22.1, PO 23.1 – PO 23.6, PO 24.1, PO 31.2, PO 33.1

*Infrastructure and Renewable Energy
Facilities*

Desired Outcome: DO 1

Performance Outcome: PO 11.2

Interface between Land Uses

Desired Outcome: DO 1

Performance Outcome: PO 3.1 – PO 3.3

Transport, Access and Parking

Desired Outcome: DO 1

Performance Outcome: PO 5.1, PO 10.1

The proposal is assessed against the prescriptive requirements of the Planning and Design Code as outlined in the Table below:

P & D Code Provisions – Hills Neighbourhood Zone	Designated Performance Feature	Assessment
SITE AREA Hills Neighbourhood Zone DTS/DPF 2.1 (a)	560m ²	612m ² existing allotment – consistent with provision
SITE FRONTAGE - one street boundary DTS/DPF 2.1 (b)	15m	18m existing allotment - consistent with provision
HEIGHT Hills Neighbourhood Zone DTS/DPF 4.1 (a)	9m	Up to approximately 8.5m – consistent with provision
SITE COVERAGE Hills Neighbourhood Zone DTS/DPF 3.1 (a)	40%	38% - consistent with provision
PRIMARY STREET SETBACK Hills Neighbourhood Zone DTS/DPF 5.1 (b)	Same building setback on adjoining site with one existing building	Varies from 5.3m to 8.3m – consistent with provision

	(varies from 6m to 7.5m at 36 Minke Whale Drive)	
SIDE BOUNDARY SETBACKS Hills Neighbourhood Zone DTS/DPF 8.1 (a)	Building walls (on a site with a gradient greater than 1:8) 1.9m – northern side 1.9 plus 1/3 of the wall height above 3m – southern side	2m to 3.6m (1.9m required) –consistent with provision 3.1m to 4.3m (up to 2.84m required) – consistent with provision
REAR SETBACKS Hills Neighbourhood Zone DTS/DPF 9.1 (a) and (b)	4m first building level 6m second building level	6m setback both ground and upper level – consistent with provision
PRIVATE OPEN SPACE General Development Policy – Design in Urban Areas DTS/DPF 21.1 Table 1 – Private Open Space	Minimum 60m ²	Approx. 255m ² – consistent with provision
CARPARKING SPACES General Development Policy – Transport, Access and Parking DTS/DPF 5.1 (a)	Minimum 2 on-site parking spaces	Double width garage – consistent with provision

In the above mentioned Table the proposed two storey detached dwelling has been assessed against the quantitative provisions of the Planning and Design Code and the dwelling is consistent with the requirements for building height, site coverage, front, side and rear setbacks, private open space provision and carparking provision. To further assess the merits or otherwise of the proposed dwelling and associated retaining walls the policies that deal more with the qualitative provisions of the Planning and Design Code are addressed under the following headings;

Building Height

Hills Neighbourhood Zone PO 4.1: Buildings contribute to a low-rise suburban character and complement the height of nearby buildings.

Hills Neighbourhood Zone PO 10.2: Development of more than 1 building level in height takes account of its height and bulk relative to adjoining dwellings by:

- (a) incorporating stepping in the design in accordance with the slope of the land*
- (b) where appropriate, setting back the upper level a greater distance from front and side boundaries than the lower level.*

Hills Neighbourhood Zone PO 11.1: Buildings sited and designed to integrate with the natural topography of the land using measures such as split level building construction and other approaches that minimise the extent of cut and fill.

As amended, the proposed two storey dwelling will be approximately up to 8.5 metres above the existing natural ground level. Therefore, the revised dwelling height complies with the quantitative standards expressed by Hills Neighbourhood Zone DTS/DPF 4.1 relating to building height. In addition, the corresponding Hills Neighbourhood Zone PO 4.1 places emphasis on ensuring the development is 'low rise' and 'complements the height of nearby buildings'. Similarly, Hills Neighbourhood Zone PO 10.2 seeks development of more than 1 building level to consider the height relative to adjoining dwellings. Therefore, the dwelling should also be considered against the broader intent of Hills Neighbourhood Zone PO 4.1 and Hills Neighbourhood Zone PO 10.2.

In regard to 'low-rise', Part 8 of the Planning and Design Code defines this term to mean the following;

'Low Rise - In relation to development, means up to and including 2 building levels.'

Therefore, the proposed dwelling which is two building levels satisfies the first part of Hills Neighbourhood Zone PO 4.1. To further assess the second part of Hills Neighbourhood Zone PO 4.1 consideration of existing heights of nearby buildings is also relevant.

The applicant has not provided detail on the heights of adjoining or nearby dwellings within the locality to assist with a comparison to the proposed dwelling. However, the survey levels and proposed finished floor levels on the site civil plan provide detail on the siting of the dwelling in relation to the street level. In this way, a comparison can be made against the siting and height of adjoining and nearby dwellings, particularly those on allotments with similar site features.

The proposed dwelling civil plan demonstrates the ground floor (garage and living) level will be sited below top of kerb height (street level) varying across the allotment frontage from 2.25 metres to 0.96 metres. Therefore, the upper finished floor level will be sited approximately 0.87 metres to 2.16 metres above street level as viewed across the allotment frontage.

The adjoining site to the north at 42 Minke Whale Drive also consists of a two-storey dwelling with similar site features and topography (gradient approx. 1:7 sloping downwards from west to east). Inspection confirms this dwelling has a stepped ground floor level sited approximately 3 metres below street level with the upper floor level remaining slightly below the street level. Therefore, when viewed from Minke Whale Drive the dwelling appears as single storey (see below Image 1 and 2).



Image 1: 42 Minke Whale Drive - Street View



Image 1: 42 Minke Whale Drive - Side View

Immediately adjoining the subject site to the south are two vacant allotments. However, further to the south at 34 Minke Whale Drive is another two storey dwelling on the eastern side of Minke Whale Drive which shares a similar gradient of approx. 1:7 sloping downwards diagonally from the north-west to south-east corner. Inspection confirms this dwelling has a ground floor level sited approximately 2 metres up to 3 metres below street level across the allotment frontage with the upper floor level from approximately 0.3m up to 1m above street level (see below Image 3).



Image 1: 34 Minke Whale Drive - Street View

Broader inspection of the locality confirms two storey dwellings on the 'low' side of a street on sloping allotments are designed with an upper floor level comparable with the street level giving an appearance of a single or one and half storey building as viewed from the street. This has been achieved by incorporating design methods which include stepping the floor plan such that the entry level is consistent with the street level and/or the use of excavation into the slope to lower the ground floor below street level. In this way, the dwellings have been designed with a floor plan that complements the slope of the land and balances the extent of both cut and fill.

Given the above observations, it is acknowledged that the proposed dwelling will be sited slightly higher than those neighbouring dwellings, specifically at 42 and 34 Minke Whale Drive. It is also acknowledged that the floor plan does not incorporate a design such as stepping or split level as sought by Hills Neighbourhood Zone PO 10.2 (a) and Hills Neighbourhood Zone PO 11.1.

However, it is considered the proposed dwelling will be sited at a building level that complements the height and appearance of existing two storey dwellings more broadly on the 'low' side of Minke Whale Drive and those in the general locality as it will present as a one and half storey dwelling as viewed from the street. In this way, the proposed dwelling siting and height is consistent with the low rise character of the neighbourhood and therefore is considered to be consistent with Hills Neighbourhood Zone PO 4.1.

Cut and Fill

Hills Neighbourhood Zone DO 1: Development that provides a complementary transition to adjacent natural and rural landscapes. Low density housing minimises disturbance to natural landforms and existing vegetation to mitigate the visible extent of building, earthworks and retaining walls.

Hills Neighbourhood Zone PO 11.3: Retaining walls are stepped series of low walls constructed of dark, natural coloured materials and screened by landscaping.

Hills Neighbourhood Zone DTS/DPF 11.3 Retaining walls:

- (a) do not retain more than 1.5m in height*
or
- (b) where more than 1.5m is to be retained in total, are stepped in a series of low walls each not exceeding 1m in height and separated by at least 700mm.*

General Development Policies - Design in Urban Areas PO 8.1: Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.

General Development Policies - Design in Urban Areas DTS/DPF 8.1:

Development does not involve any of the following:

- (a) excavation exceeding a vertical height of 1m*
- (b) filling exceeding a vertical height of 1m*
- (c) a total combined excavation and filling vertical height of 2m or more.*

General Development Policies - Design in Urban Areas PO 9.1: Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.

In assessing the appropriateness of the proposed site works, it is essential to consider the topography of the subject land. For this site, the sloping topography west to east (slightly diagonal across from street level to the rear of the allotment) with a gradient of approximately 1:7 will require site works to establish a level building area. The applicant proposes to develop a two storey dwelling that proposes up to 1 metre of cut and up to 2 metres of fill to the northern side boundary; and up to 2.5 metres of fill to the southern side boundary. These earthworks will be controlled by retaining walls up to 2.7 metres high (southern side) and up to 2.2 metres high (northern side). The fill up to the rear easement boundary will also be controlled by retaining walls that are stepped in two tiers of 1 metre up to 1.5 metres high.

It is considered the northern side boundary retaining wall, as viewed from the adjoining land at 42 Minke Whale Drive, will not be visually prominent given the dwelling and yard area have been designed and orientated to capture views in the north to north-east direction. In addition, a portion of this wall retains cut excavation and is therefore not externally visible to the adjoining land.

When viewed from the undeveloped land to the south at 38 Minke Whale Drive, it is considered the southern side boundary retaining wall will be more visually prominent. However, the height of this wall will vary from a low 400mm up to 2.7 metres, a majority (approx. 70%) of which is retaining less than 1.5 metres of fill which is consistent with DTS/DPF 11.3 (a). Therefore, it is considered the visual and overshadowing impacts from this retaining wall will not result in an unreasonable outcome for a future dwelling on this vacant allotment. In addition, the separating of this wall for the portion over 1.5 metres in height as sought in DTS/DPF 11.3 (b) into a series of stepped walls is not considered to be a desirable outcome for privacy fencing purposes on the boundary.

The two-tier stepped retaining walls along the rear easement boundary are setback 4 metres from the lower tier to the eastern property boundary adjoining 3 Woodard Court. It is considered the existing difference in ground levels between these two properties, the design of the dwelling with outlook orientated east, and location of the yard limit the extent these retaining walls are visible when viewed from 3 Woodard Court. In addition, these retaining walls are stepped (although exceed 1m in height) and incorporate landscaping between the tiers and is therefore partially consistent with Hills Neighbourhood Zone PO 11.3 and corresponding DTS/DPF 11.3 (b).

In general, it is considered that a combined amount of site works (cut and fill) in the order of 3 metres is not excessive or extraordinary for sloping sites within the locality or Encounter Bay more generally. The proposed extent of cut earthworks is necessary to accommodate a reduced ground floor to minimise the building height and the extent of fill balances the earthworks overall. Although the southern boundary retaining wall is up to 2.7 metres high, the impact is considered to be minimal given the overall low height for majority of the retaining wall length. It is also reasonable to expect this vacant allotment will be developed in a similar way to the subject site given they share a comparable topography.

In view of the above, I consider the proposed earthworks and associated retaining walls to also be consistent with General Development Policies - Design in Urban Areas PO 9.1 and Hills Neighbourhood Zone DO 1.

CONCLUSION

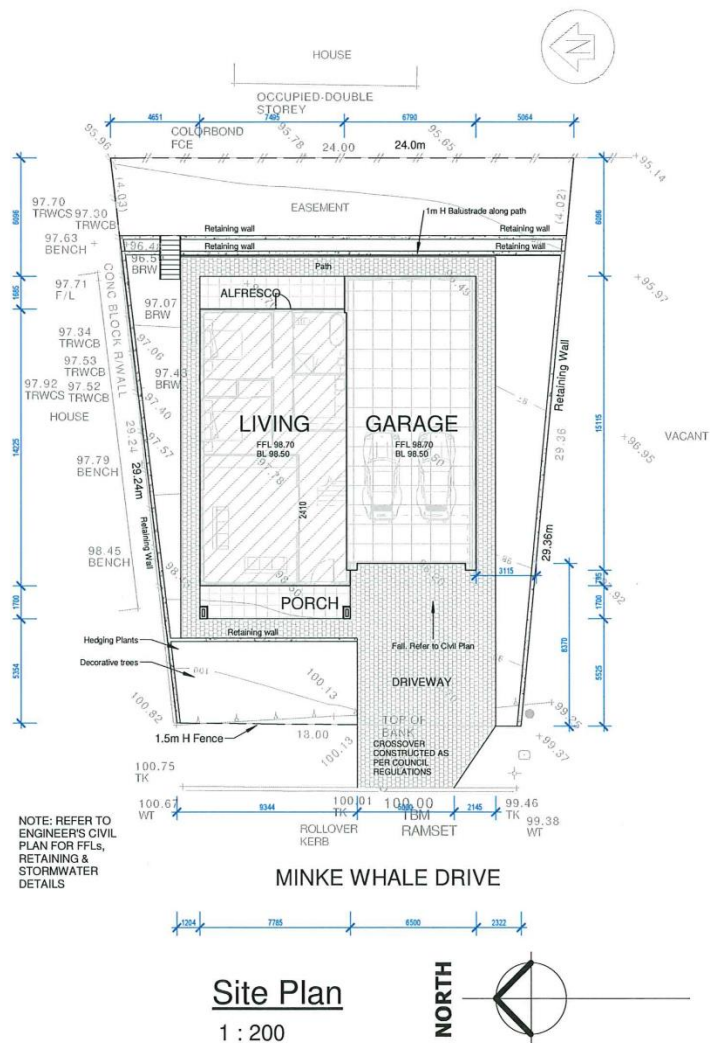
The subject development proposal seeks consent to construct a two storey detached dwelling and associated retaining walls at 40 Minke Whale Drive, Encounter Bay. The subject land is located within the Hills Neighbourhood Zone therefore the development, being residential in nature, complies with the general intent of the Zone and is an acceptable form of development in this locality.

Notwithstanding the above, the proposed development incorporates approximately 2.5 metres of fill site works which requires a boundary retaining wall up to 2.7 metres high. However, when considered in context of the locality the development will achieve a dwelling that is relative in height and scale to those in the locality and will not result in an unreasonable impact to adjoining property or the streetscape character of the locality.

In view of the above, it is considered that the nature and design of the proposed development is appropriate for the land and locality. Having considered all of the relevant provisions of the Planning and Design Code, it is considered that the subject development proposal is not seriously at variance with the provisions to warrant the granting of consent.

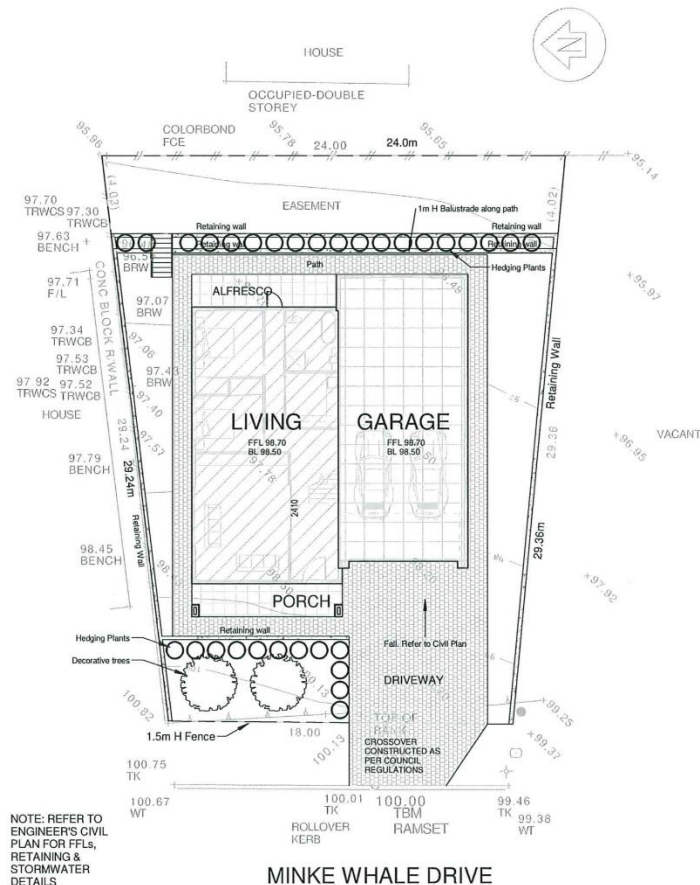


Attachment 1



Gaylene & Joe Molinia
40 Minke Whale Drive
New Double Storey Home

Revision Date
22.03.23
Scale
1 : 200
Sheet No.
A99



Landscape Plan
1:200

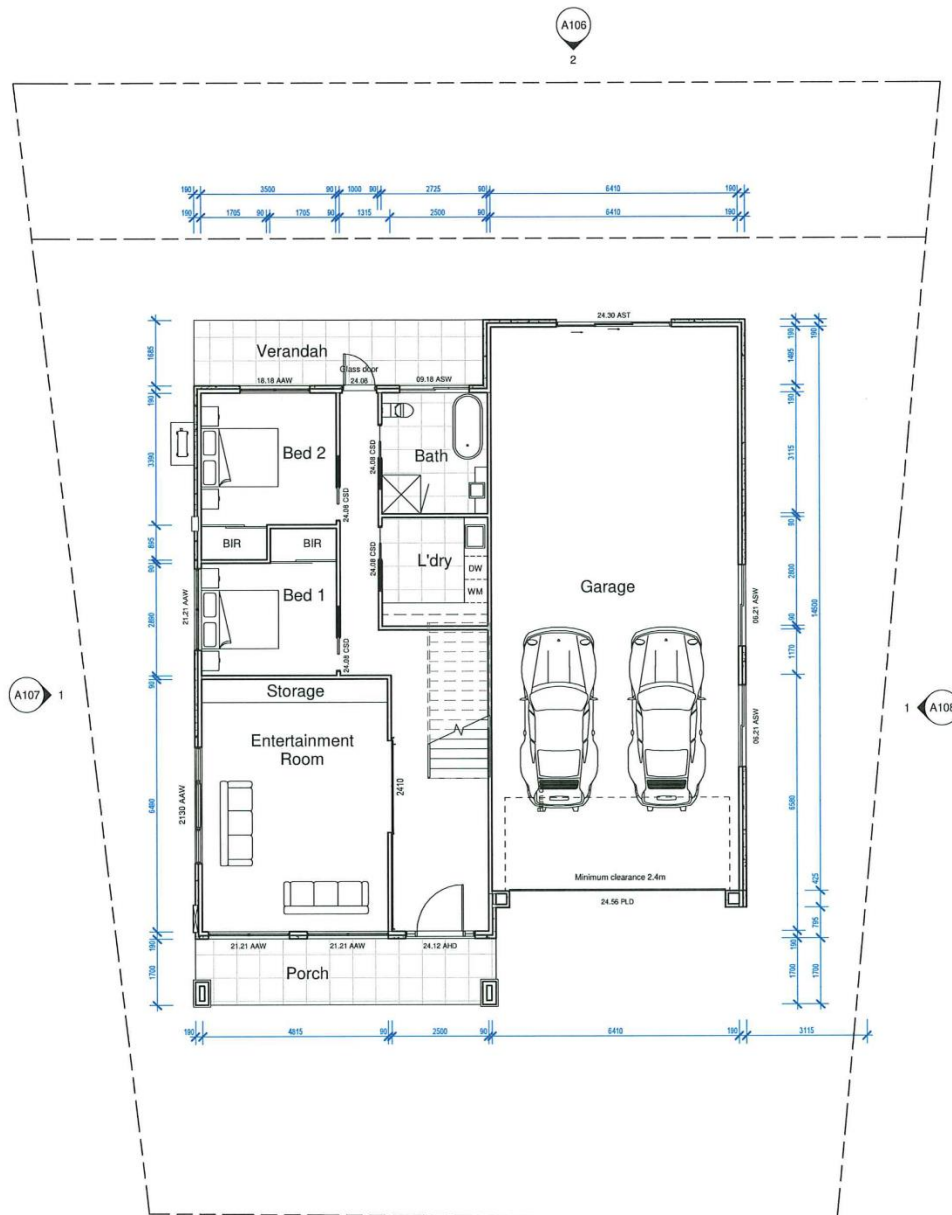
Gaylene & Joe Molinia
40 Minke Whale Drive
New Double Storey Home

Revision Date 22.03.23
Scale 1:200
Sheet No. A100

CONTRACTOR NOTE:
CONTRACTORS ARE TO VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK. FIGURED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND ANY DISCREPANCY SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY.

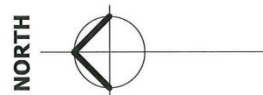
**NEW CREATION GROUP
BUILDING CONTRACTORS**
309 North East Road, Hampstead Gardens
Phone: (08) 8367 5111
Fax: (08) 8367 5333
Email: info@newcreationgroup.com.au





Ground Floor

1 : 100



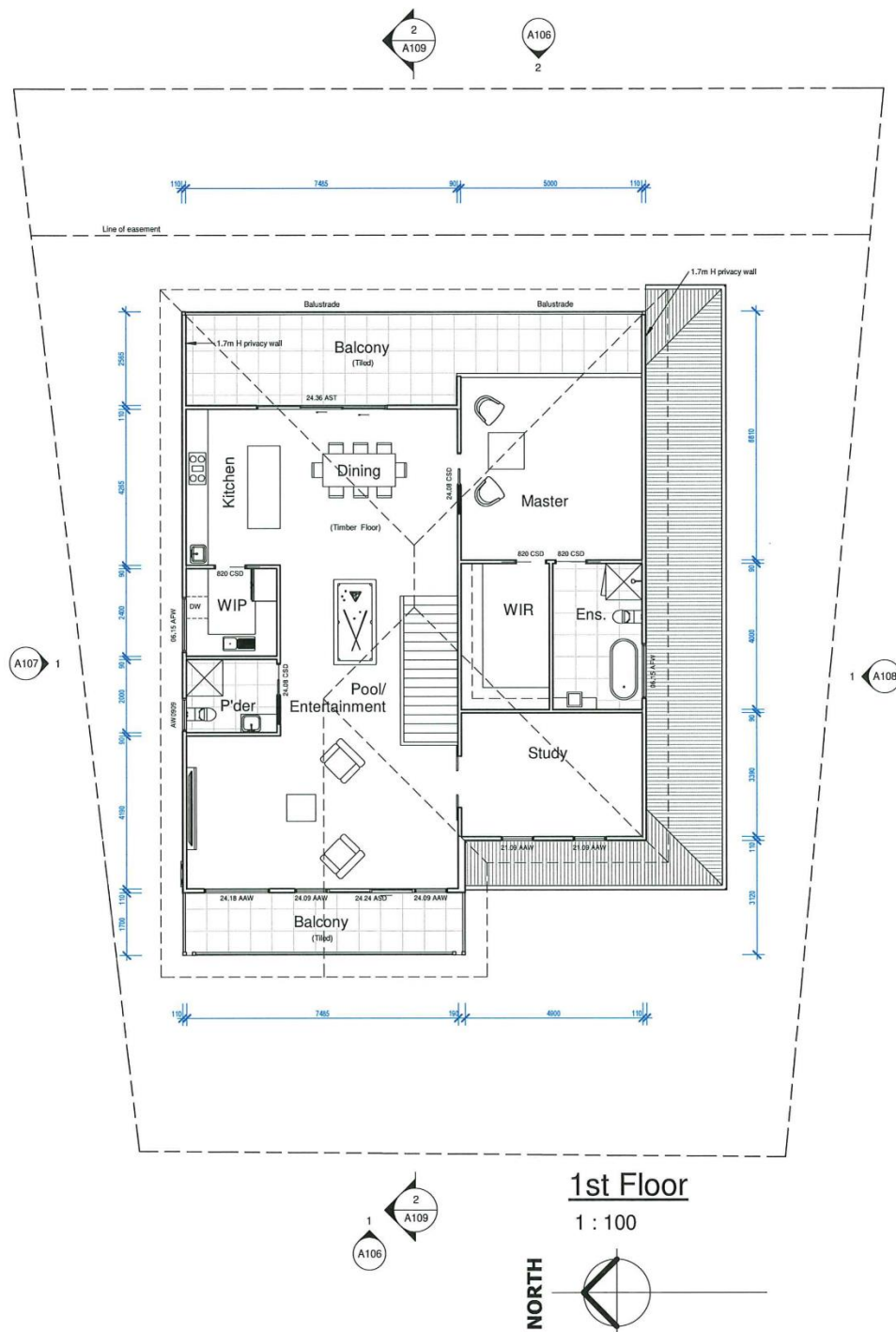
Gaylene & Joe Molina
40 Minke Whale Drive
New Double Storey Home

Revision Date
22.03.23
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Sheet No.
A101

CONTRACTOR NOTE:
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VERIFY ALL DIMENSIONS ON
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Gaylene & Joe Molinia
40 Minke Whale Drive
New Double Storey Home

Revision Date
22.03.23
Scale
1 : 100
Sheet No.
A102

CONTRACTOR NOTE:
CONTRACTORS ARE TO
VERIFY ALL DIMENSIONS ON
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DESIGNER IMMEDIATELY

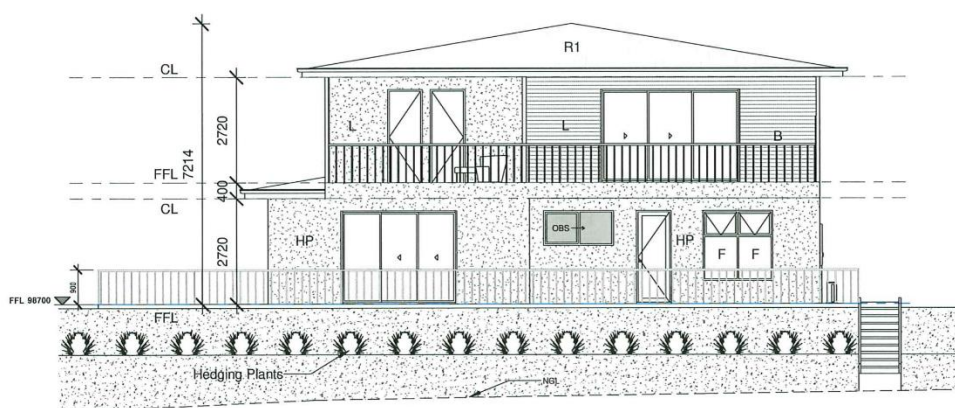
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West Elevation

1 : 100



East Elevation

1 : 100

LEGEND & COLOURS

- HP Rendered Hebel Panel. Colour: Grey
- L Linea cladding. Colour: Grey
- GD 2.4m x 4.8m Panel Lift Door. Colour: Grey
- R1 Colourbond Roof @ 9.5° Pitch. Colour: Charcoal
- H Hardiflex sheeting. Colour: Grey
- B Balustrade to client selections
- OB Obscure glazing
- P 90 x 90 double posts. Colour: White
- Aluminium window & door frames to be white
- 1.8m H Good Neighbour Fence. Colour: Charcoal

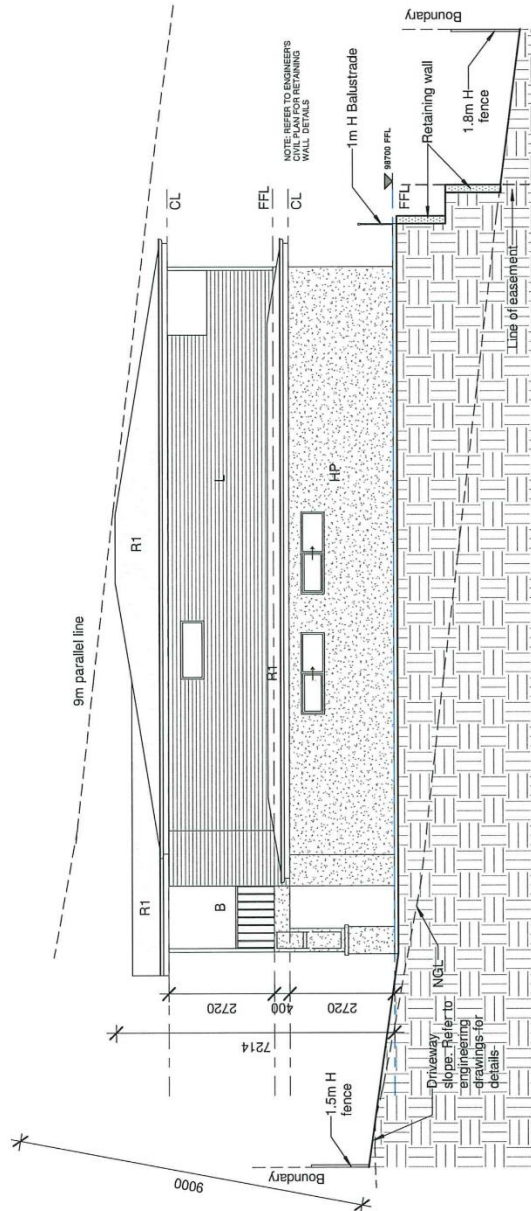
NOTE: Stairs & balustrade to comply with AS1428. 1-2009

Gaylene & Joe Molinia
40 Minke Whale Drive
New Double Storey Home

Revision Date 22.03.23
Scale As indicated
Sheet No. A106
CONTRACTOR NOTE: CONTRACTORS ARE TO VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK. DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED DIMENSIONS AND ANY DISCREPANCY SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY.

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South Elevation

1 : 100

LEGEND & COLOURS

HP	Rendered Hebel Panel. Colour: Grey
L	Linea cladding. Colour: Grey
GD	2.4m x 4.8m Panel Lift Door. Colour: Grey
R1	Colourbond Roof @ 9.5° Pitch. Colour: Charcoal
H	Hardiflex steeling. Colour: Grey
B	Balustrade to client selections
OB	Obscure glazing
P	90 x 90 double posts. Colour: White
	Aluminium window & door frames to be white
	1.8m H Good Neighbour Fence. Colour: Charcoal

NOTE: Stairs & balustrade to comply with AS1428. 1-2009

Gaylene & Joe Molina
40 Minke Whale Drive
New Double Storey Home

Revision Date
22.03.23

Scale
As indicated

Sheet No.
A108

CONTRACTOR NOTE:
CONTRACTORS ARE TO
PROTECT ALL EXISTING
AND NEWLY INSTALLED
PIPEWORK COVER SCALD
WORK. DISCHARGING SHALL
BE REQUIRED TO BE PROMPTLY
REPAIRED TO PREVENT
FURTHER DAMAGE.

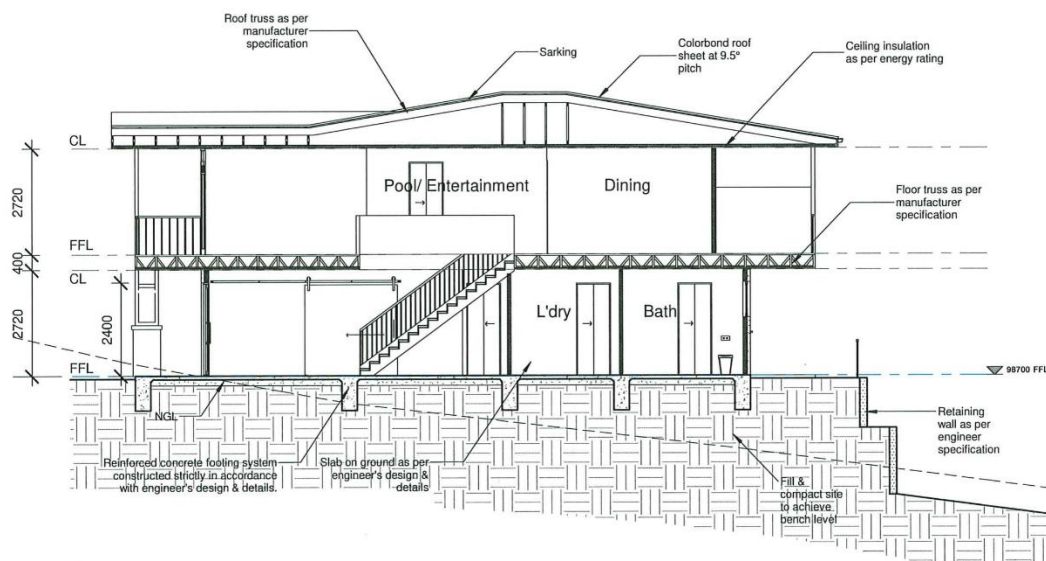
**NEW CREATION GROUP
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Section

1 : 100

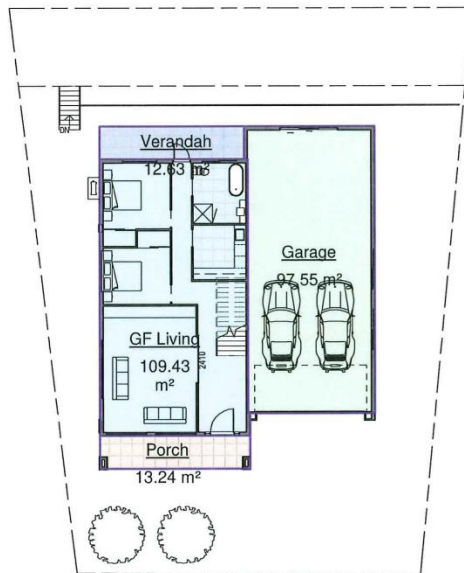
Gaylene & Joe Molina
40 Minke Whale Drive
New Double Storey Home

Revision Date
22.03.23
Scale
1 : 100
Sheet No.
A109

CONTRACTOR NOTE:
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BUILDING CONTRACTORS**
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Phone: (08) 8367 5111
Fax: (08) 8367 5333
Email: info@newcreationgroup.com.au



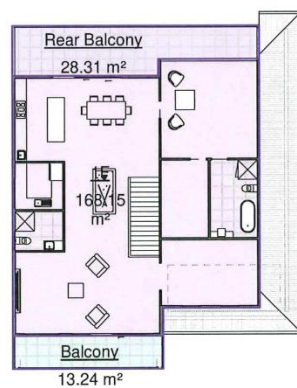


- Garage
- GF Living
- Porch
- Verandah

Site Coverage: 232.86m² (38.2%)

Ground Floor

1 : 200



- 1F
- Balcony
- Rear Balcony

Area Schedule	
Name	Area

Garage	97.55 m²
GF Living	109.43 m²
Verandah	12.63 m²
Porch	13.24 m²
1F	168.15 m²
Rear Balcony	28.31 m²
Balcony	13.24 m²
Grand total	442.55 m²

1st Floor

1 : 200

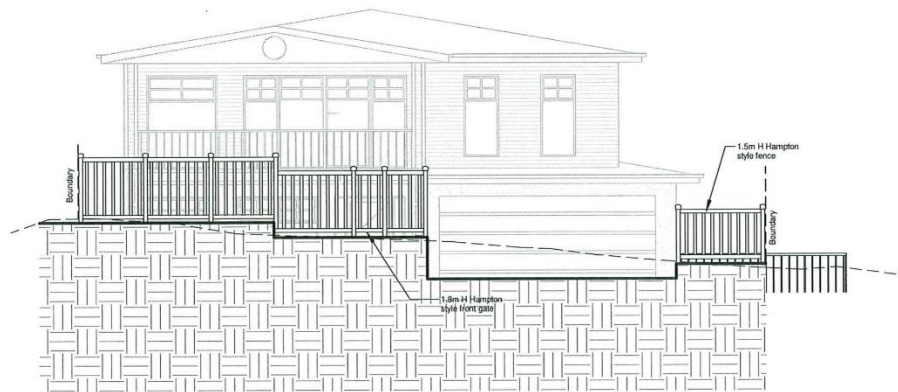
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40 Minke Whale Drive
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Revision Date
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West Elevation Front Fence

1 : 100

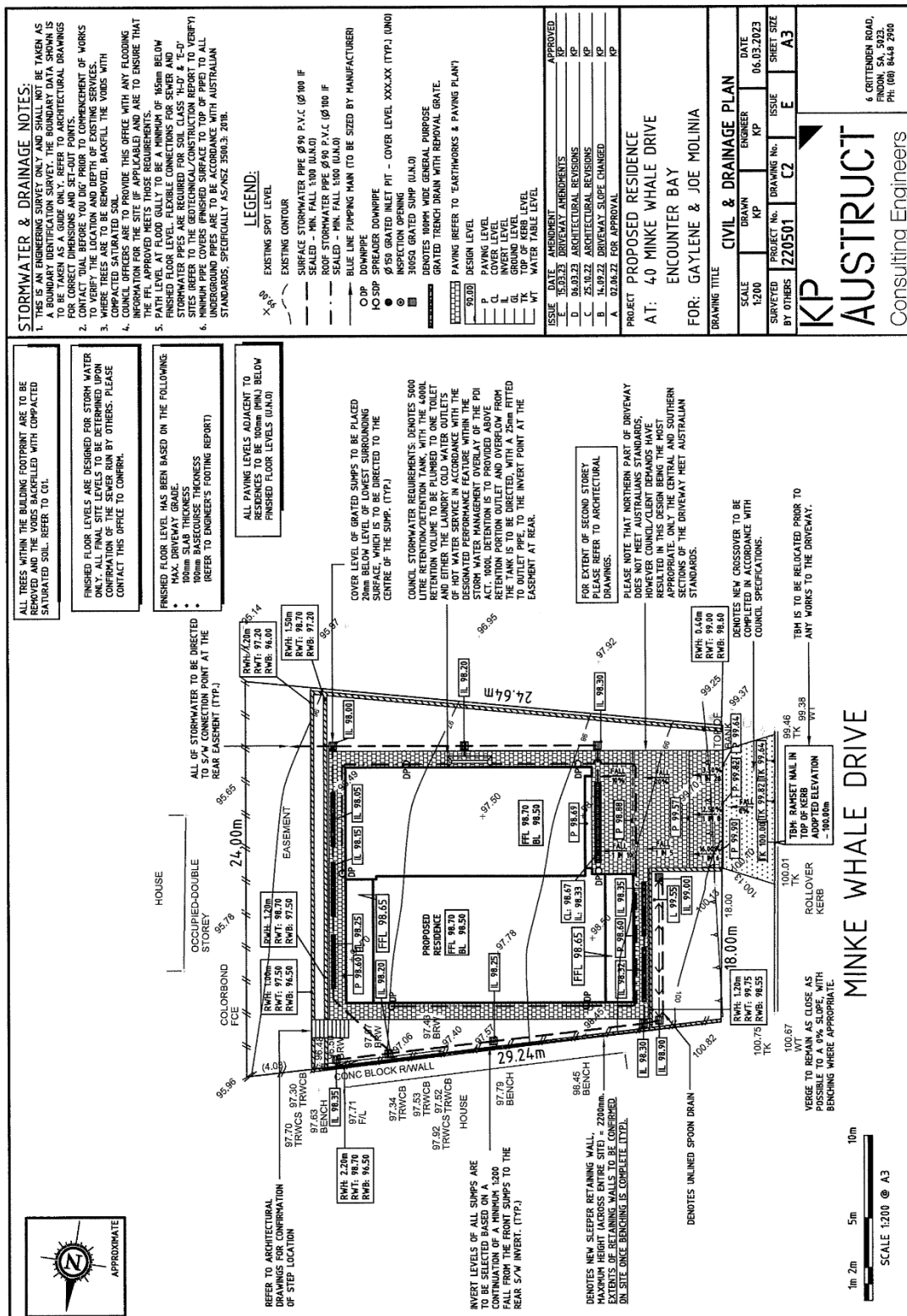
Gaylene & Joe Molinia
40 Minke Whale Drive
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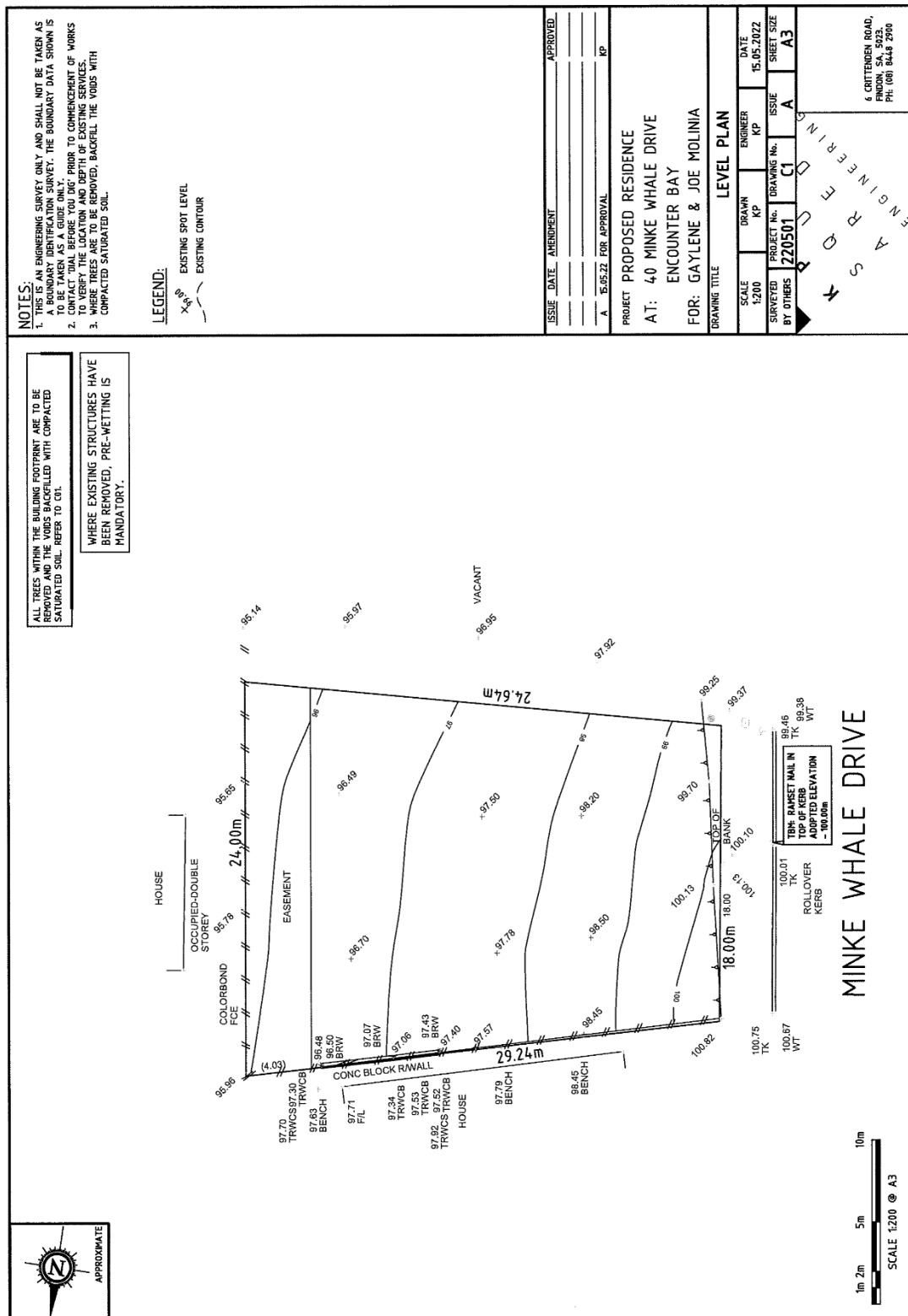
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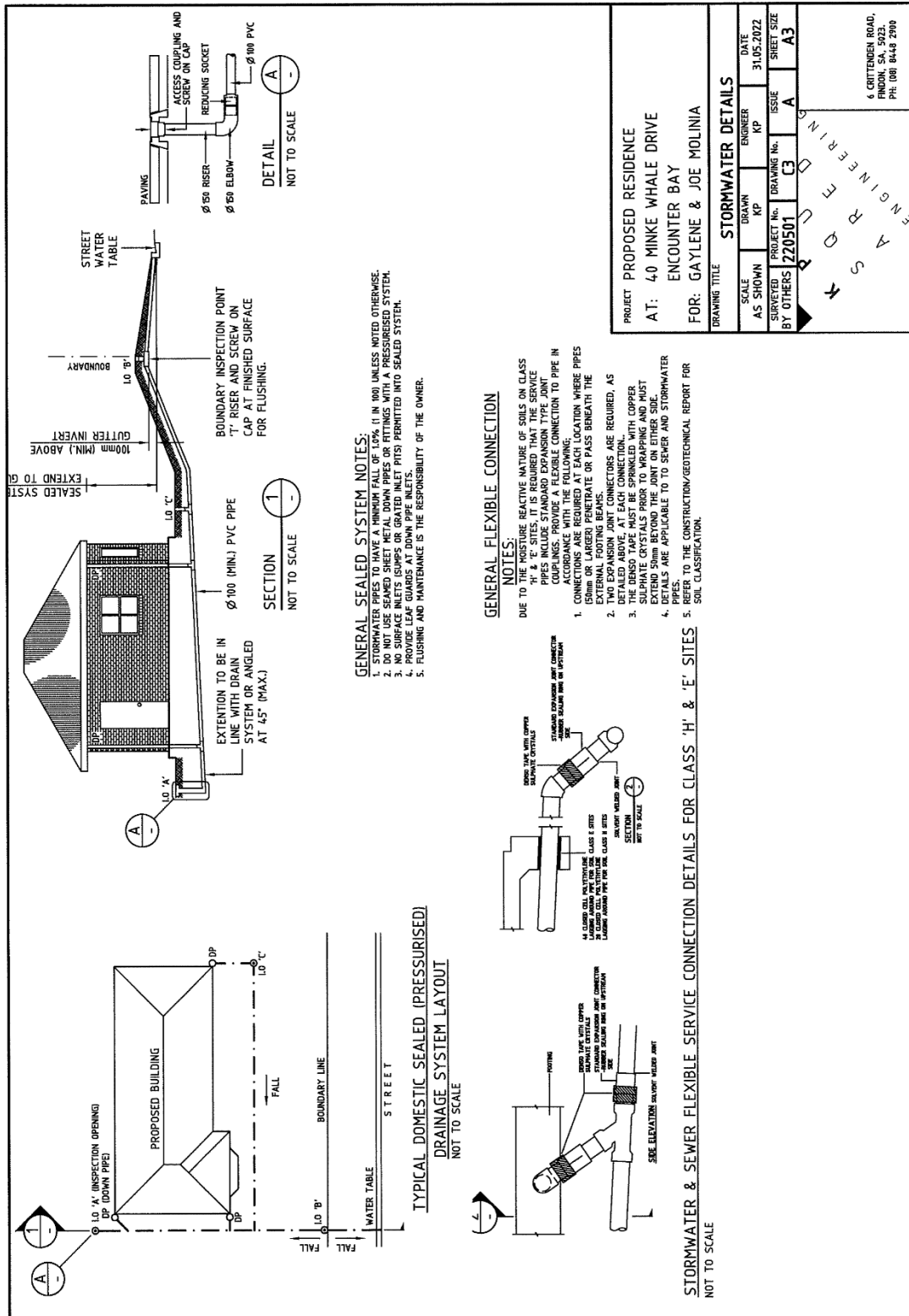
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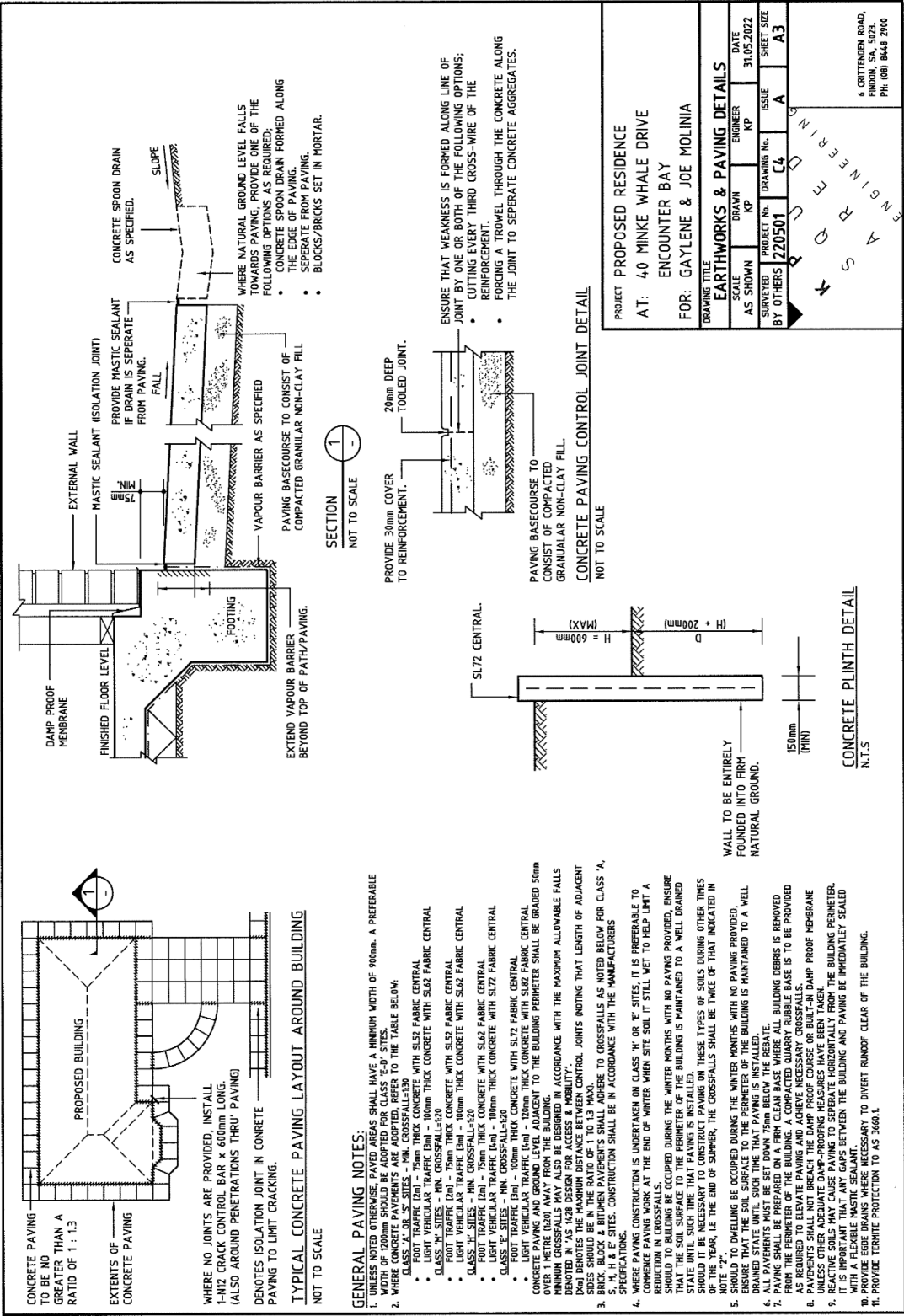
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Attachment 2

Details of Representations

Application Summary

Application ID	22019022
Proposal	Two Storey Detached Dwelling and Retaining Walls
Location	40 MINKE WHALE DR ENCOUNTER BAY SA 5211

Representations

Representor 1 - Christine and Walter Olenich

Name	Christine and Walter Olenich
Address	16 Fairfield Road MOUNT BARKER SA, 5251 Australia
Submission Date	20/08/2022 03:25 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

The proposed dwelling is too high above street level at 6.5 metres from road level, and has not been sunken into the shape of the block like other houses on the same side of the street. POINT 1 Against- The existing double and single-story homes adjacent to the proposed dwelling are NOT the same elevation as the proposed house. The existing double story homes on the same side of Minke Whale drive (next door and 3 blocks down) are just about single story at road height. Their second story is sunken to take the shape of the sloping block. The proposed dwelling at 6.5 m above street level will dwarf it's neighbour. The proposed dwelling will be about twice the height of it. (the planning document says that the front elevation has been designed to contribute to the existing double story homes located in the neighbourhood) This point is disputed. POINT 2 AGAINST- The garage and house should be set down more to lower the whole dwelling. All boat owners need to be very skilled at reversing down significantly sloping roads to launch their boats. All boat ramps are sloped to allow for launching. It is not an argument to say that the garage needs to be this high from the road. (the planning document says that our clients want to be able to reverse their trailer and boat safely from the street into the garage) POINT 3 Against - Surrounding neighbours will be greatly affected, as a 6.5 metre dwelling at road height will greatly impede views for a number of houses. The house should be made to fit more into the natural slope of the block, rather than being raised to accommodate a boat. (planning documents say that this will have little or no effect on surrounding neighbours)

Attached Documents

Representations

Representor 2 - John Wills

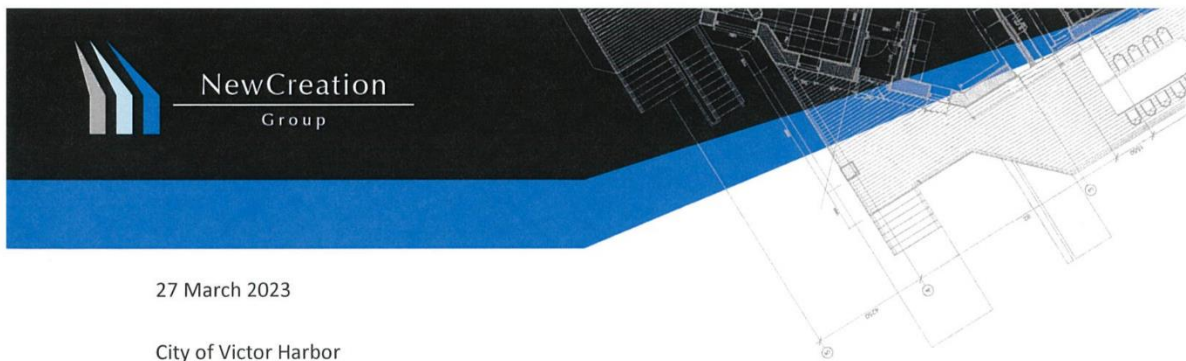
Name	John Wills
Address	3 Pilot Court ENCOUNTER BAY SA, 5211 Australia
Submission Date	30/08/2022 09:12 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

Our representation is to refuse the planning consent. The proposed height of the house for 40 MINKE WHALE DR ENCOUNTER BAY SA 5211 (Application 22019022) is of concern based on the impact on the streetscape. With building height from street level at 6.5m, this is the approximate height of the streetlight only metres from the property (as the scale to the impact of the neighbourhood). The neighbouring house is set at approximately 4.5 m from natural ground level (NGL) by a similar scale. Given courtesy and consideration was given to the homes residing above 42 MINKE WHALE DR when built, this has not impacted the views of any neighbouring homes. However, the titles for 38 and 36 are currently vacant. If number 40 were to build above the NGL height by = 2m of the other homes and streetscape, then this could set a precedence for the remaining blocks and neighbouring homes, effectively restricting the existing viewpoints the current homes on higher ground have. Much of the premise for the 6.5m height above NGL height is stated in the assessment letter. The garage's setback with a maximum fall of 1 in 8 does not appear accurate. If we base a standard on Dept. for Infrastructure & Transport (SA Gov), a fall of 1 to 8 for boat ramps is ideal and supported. A driveway sloping a gradient of 12.5% is 0.45m per 3.04m, which puts the garage closer to 1.4m below NGL and to meet 1:8 (not the 0.55m proposed) Given that the driveway can sustain a more significant percentage of the slope than proposed and given the residence will tower over the surrounding properties by 2m or more, then set the property between 1.4m and 2m below the proposed 6.5m would arguably provide a more consistent height to the surrounding area. To clarify, this would position the house at between 4.5m and 5.1m above NGL, and we believe this will then have little or no effect on surrounding neighbours and is acceptable given the challenging falls. We've recently purchased our property as of Oct 2021 with a similar intent to the applicants of this assessment, which is to retire in the lovely setting of Encounter Bay. Much of this decision to purchase our home was based on the ocean views, and we had considered the vacant blocks on Minke Whale Dr, drawing comparisons to the surrounding houses that don't impact the streetscape. Our neighbouring community share unique viewpoints of the Bluff, Granite Island, Wright Island and Seal Rock, and we hope to retain our blissful view. So, we urge the council and assessment planners to consider our concerns seriously when processing this representation.

Attached Documents

Attachment 3



27 March 2023

City of Victor Harbor
Adele Davis-Cash

Application: New Creation Group

Application ID: 22019022

Proposed Development: Two Storey Detached Dwelling & Retaining Wall

I understand that two representations were submitted, none of whom wish to speak to their representation at a Council Assessment Panel Meeting. Before responding to the representations, I confirm that the proposed development has been amended as follows, and in part due to the concerns raised:

Amendments include

- Garage relocated to the southern side, making use of the slope of the road and lower entry point
- Ground floor bedrooms/living to the northern side to achieve better amenity
- The two-storey design has an upper finish floor level more consistent with the road level and making use of the natural slope of the land
- Lift has been deleted allowing driveway length to be increase over 8m
- Driveway gradient has been increased from 1:8 to 1:5.
Engineer has allowed for transition at top and bottom to achieve Australian Standards
This is gradient the maximum allowable given the existing slope of the road and garage design
- Increasing driveway gradient and length has allowed the dwelling and garage bench level to be significantly lowered balancing the total amount of earthworks required
- Finish floor level to both dwelling and garage is now the same
- Roof pitch has been reduced to 9.5 degrees to further reduce overall height
- Amended design reduces the overall requirement for retaining
- Amended design achieves all required front, side, and rear setbacks

In response to the concerns in the two representations:

1. Building Height and Appearance from the Street

The subject land is located within the Hills Neighbourhood Zone which includes a 'Local Variation' of 9.0 m 'maximum building height'. The building height is set to enable buildings to 'contribute to a low-rise suburban character and complement the height of nearby buildings' (PO 4.1). Low rise is defined as meaning up to and including 2 building levels. The proposed dwelling is low rise.

In relation to the building height, the updated planning drawings illustrate that the proposed dwelling is now below 9 m above existing ground level.

| Development | Commercial | Designer Homes | Additions | Renovations |



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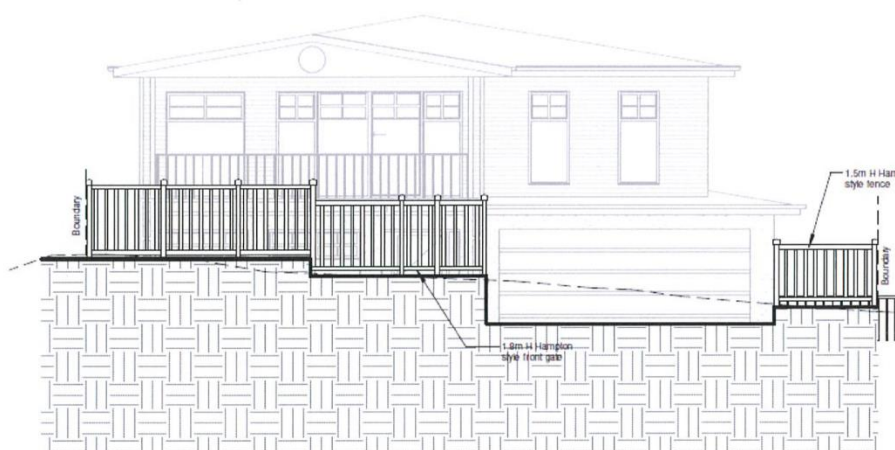
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Hampstead Gardens SA 5086
HIA Member 922938

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In addition, the proposed dwelling has been well set down from Minke Whale Drive to follow the road level and natural slope of the land. Roof pitch has also been reduced to 9.5 degrees. As a result, the façade of the building will not appear as a 'full' two storey from the street level. Allowing this dwelling to sit well within the existing street character.



West Elevation Front Fence

1 : 100

2. Development is Not Single Storey Like Other Dwellings

I understand that Mr & Mrs Olenich (representor 1) is located on the high side of Minke Whale Drive (approx. 30 m away) and Mr Wills (representor 2) is located a further street back on Pilot Court (approx. 63 m away). They have suggested that all new dwellings should be built in the same way that other dwellings have been built historically. This is not what the Planning Code advises, and rather a range of dwelling types and appearances can equally be appropriate in the Hills Neighbourhood Zone. It also makes sense that 'low side' and 'high side' dwellings will be different in their appearance and shape and form.

| Development | Commercial | Designer Homes | Additions | Renovations |

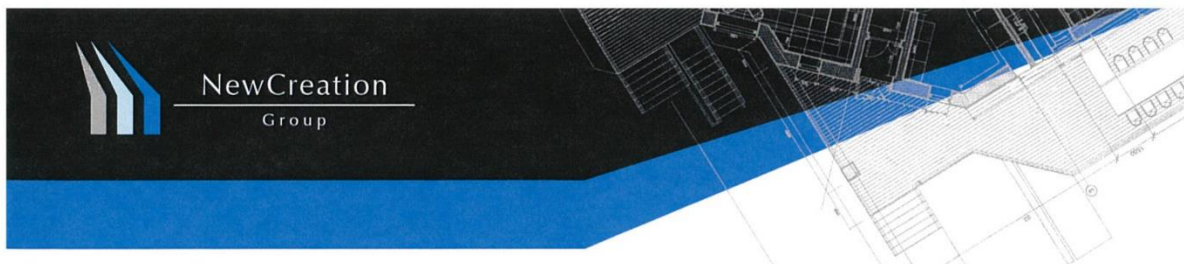


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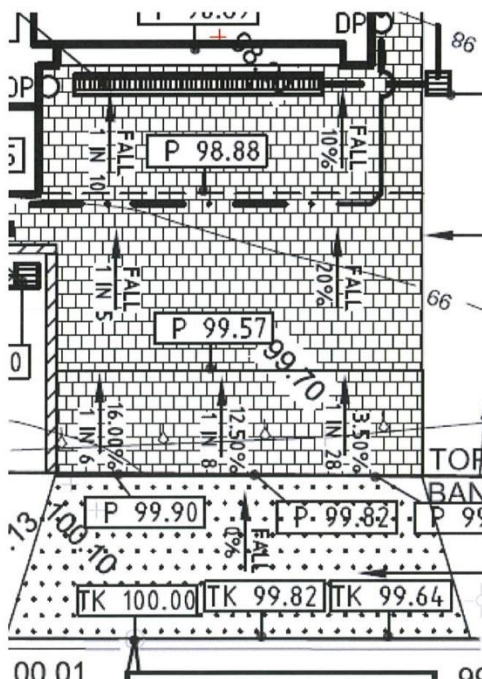


In the same way, future development of 36 and 38 Minke Whale Drive will require unique design approaches to respond to the fall of the land and other factors, which will be assessed by Council at that time.

I also note that the 9 m TNV contemplates two storey development, and in this locality, development will necessitate some retaining walls to enable the best use of valuable land. The proposed dwelling should not be constrained by older existing development.

3. The Driveway Gradient Should be Steeper

The KP Square Engineering Civil Plan illustrates a driveway which is approx. 8.3m m long and falls from 1 in 6 – 1 in 5 – 1 in 10 to allow for safe entry for vehicles and boat/trailer.



| Development | Commercial | Designer Homes | Additions | Renovations |

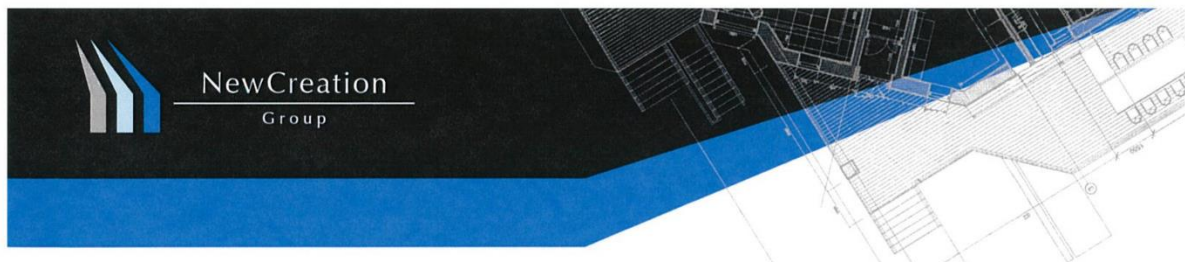


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Engineers have provided the following additional information to support the proposed driveway gradient. The Australian Standard for driveway gradients does not allow a gradient of 1:1 from a level plain i.e. transitions in the gradient are required in accordance with AS2890.1 – 1993.

- (d) *Changes of grade*—To prevent vehicles scraping or bottoming, changes in grade in excess of—
 - (i) 12.5 percent algebraically (1 in 8) for summit grade changes; or
 - (ii) 15 percent algebraically (1 in 6.7) for sag grade changes;
 require introduction of a grade transition between the main grade lines as illustrated in Figure 2.10.
- (e) *Grade transitions*—Transitions of 2.0 m in length will usually be sufficient to correct bottoming or scraping at grade changes up to 18 percent. They may be in the form of a simple chord with grade calculated as half the algebraic sum of the two adjacent grades, as illustrated, but for vehicle occupant comfort may be constructed as short vertical curves. Grade changes shall be checked using the method at Appendix C in any of the following circumstances:
 - (i) Grade changes of 18 percent or more.
 - (ii) Where there are successive grade changes less than 3 m apart.
 - (iii) Where vehicles with unusually low ground clearances are to be catered for. A modified ground clearance template to suit the particular vehicle characteristics will be required.
 - (iv) Any other case where there may be doubt as to whether adequate ground clearance has been provided (e.g. along the kerb lines of a curved ramp).
 Longer transitions or other adjustments to the grade line may be required in these cases.

Comparing the driveway gradient to boat launching ramps is not particularly helpful, but on that point, I understand that these sorts of ramps are ideally between 1:8 and 1:10 and continue the same gradient to a minimum depth of 1.0m below designed low water (DLW) and approximately 10 m of ramp should be exposed at mean high water (SA Boating Facility Advisory Committee). When combining the future resident's boat/trailer length 8.3m and car length 5.5m the driveway is well designed.

Most relevantly though, I note that the driveway gradient is entirely consistent with the Planning Code and PO 23.5 and DTS/DOF 23.5.

4. Loss of Views

It has also been suggested by representor 1 and 2 that the proposed dwelling will impact on views. These views are expressed as broadly including The Bluff, Granite Island, Wright Island and Seal Rock.

On review of the Planning Code, I find nothing which requires views to be preserved unaffected. Also, representor 2 references the comparative height of the streetlight.



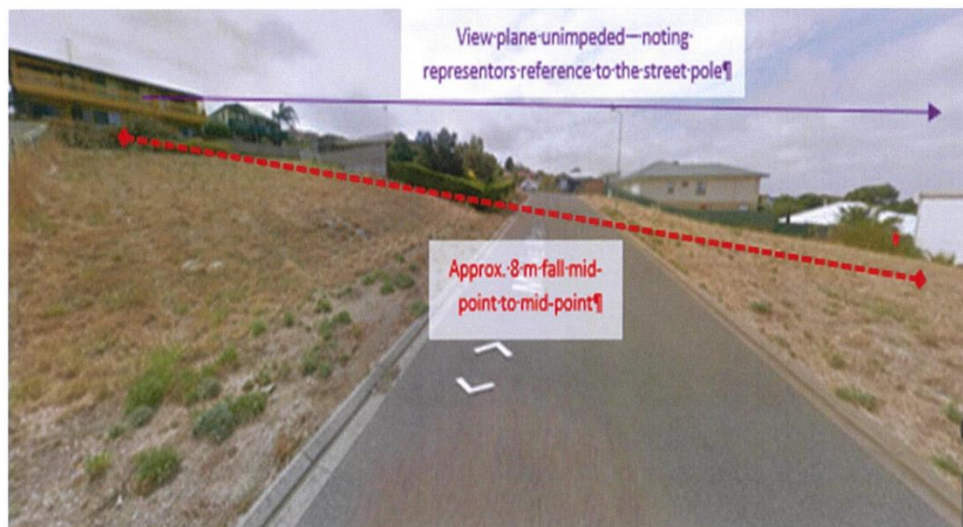
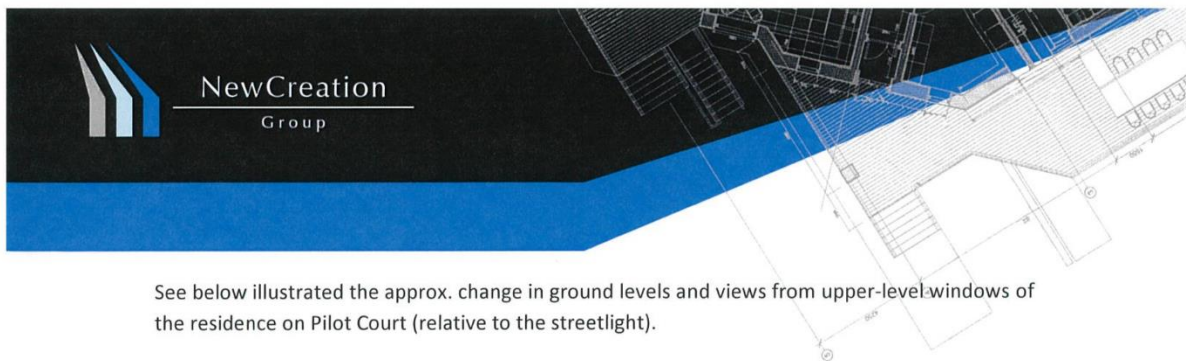
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It is clear that views over the top to The Bluff and various islands, which are necessarily 'long views' and oblique views and not downward views, will not be detrimentally affected.

The above changes balance the overall site, zoning, height, character and clients requirements including eversing a 8.3m boat into proposed garaging.

Please let me know if you require any further information m. 0408 166 151 or charles@newcreationgroup.com.au

Thank you

Charles Thompson
New Creation Group

| Development | Commercial | Designer Homes | Additions | Renovations |



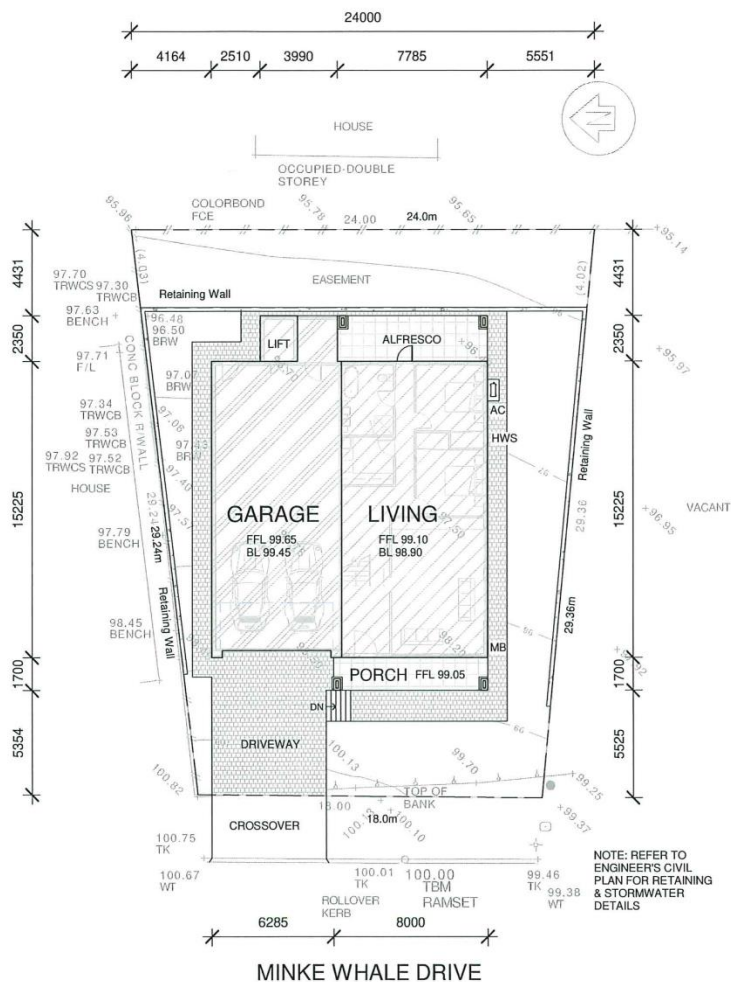
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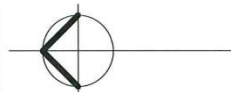
Attachment 4



Site Plan

1 : 200

NORTH



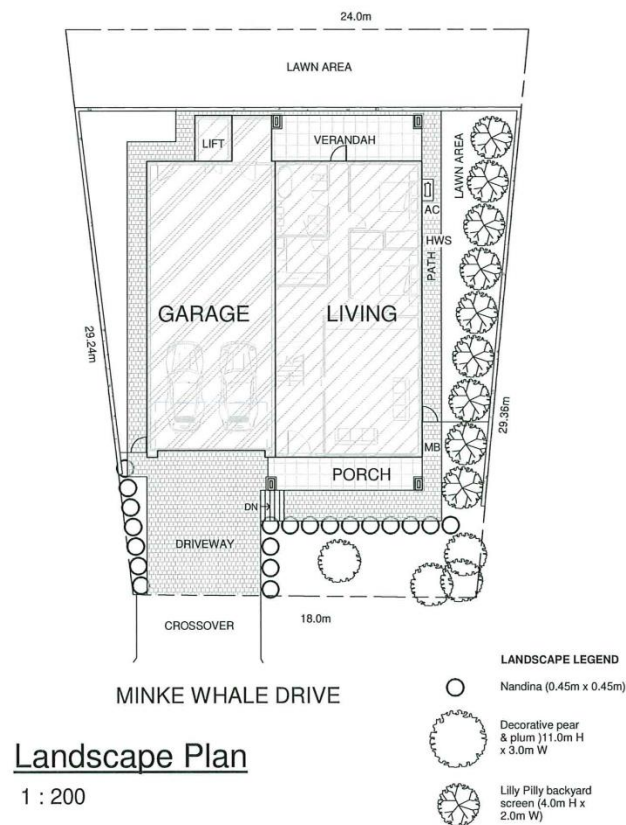
Gaylene & Joe Molina
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New Double Storey Home

Revision Date
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Scale
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A99

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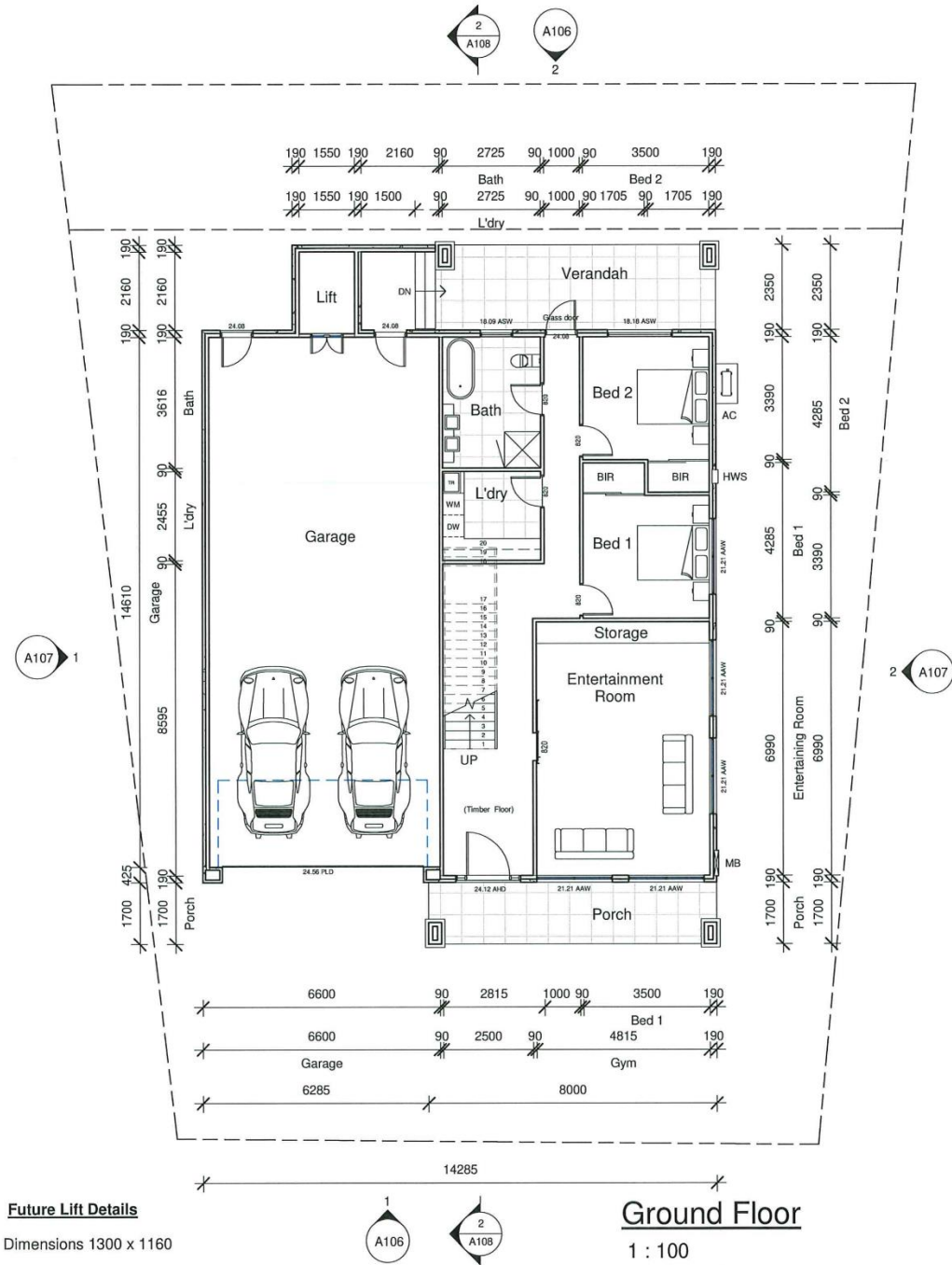
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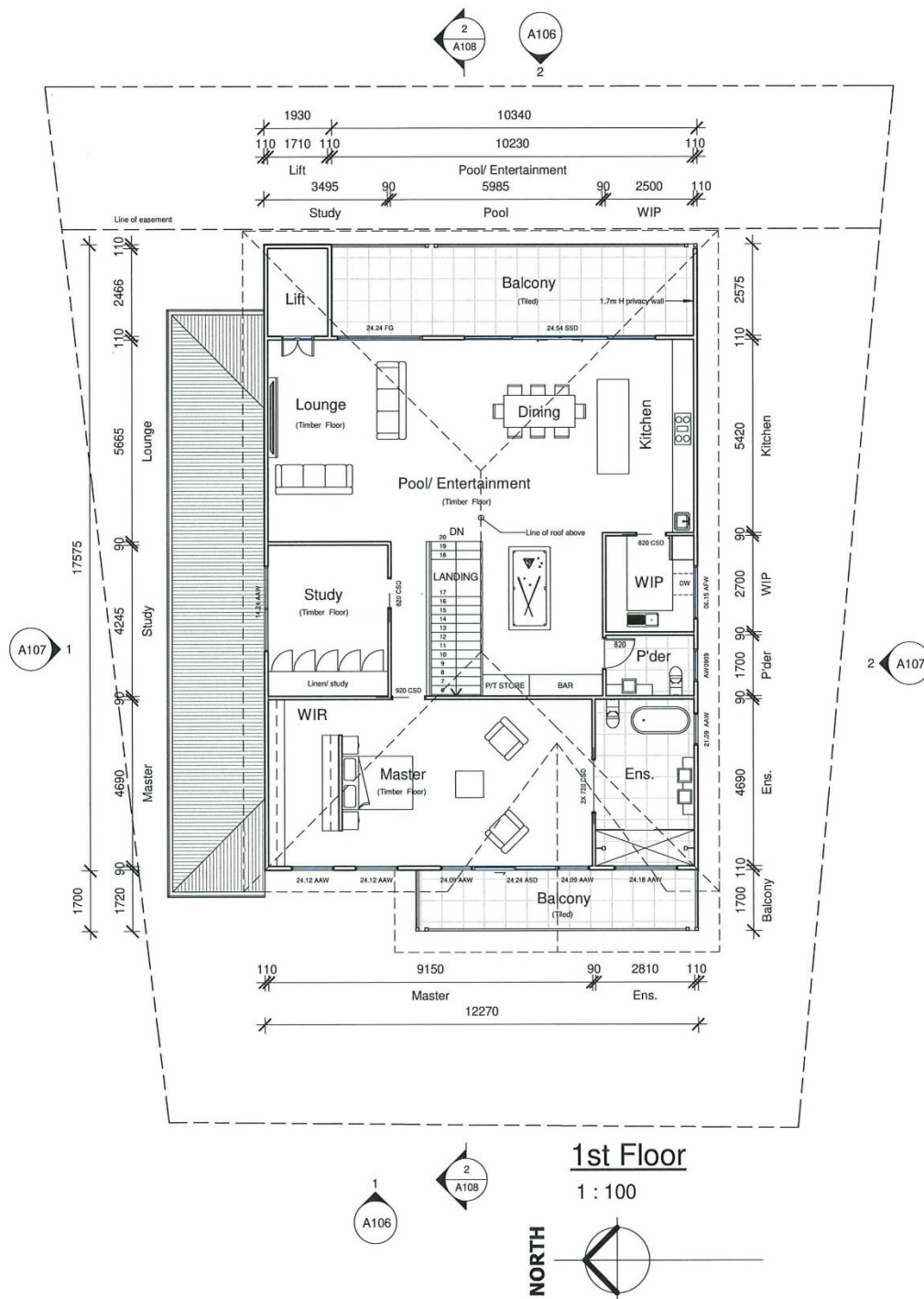
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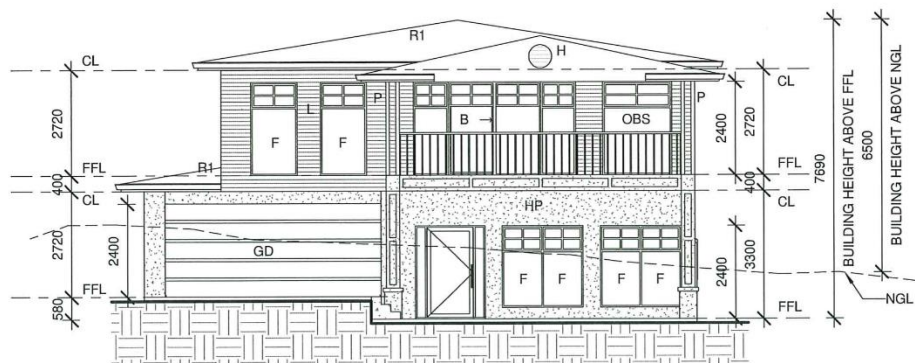
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**NewCreation
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Front Elevation

1 : 100



Rear Elevation

1 : 100

LEGEND & COLOURS

- HP Rendered Hebel Panel. Colour: Grey
- L Linea cladding. Colour: Grey
- GD 2.4m x 4.8m Panel Lift Door. Colour: Grey
- R1 Colourbond Roof @ 9° Pitch. Colour: Charcoal
- R2 Colourbond Roof @ 12° Pitch. Colour: Charcoal
- H Hardiflex sheeting. Colour: Grey
- B Balustrade to client selections
- OB Obscure glazing
- P 90 x 90 double posts. Colour: White
- Aluminium window & door frames to be white
- 1.8m H Good Neighbour Fence. Colour: Charcoal

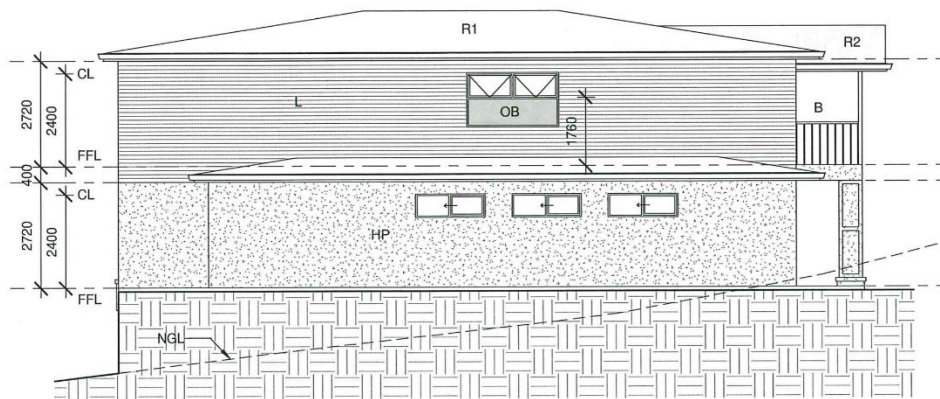
NOTE: Stairs & balustrade to comply with AS1428. 1-2009

Gaylene & Joe Molina
40 Minke Whale Drive
New Double Storey Home

Revision Date 01.07.22
Scale As indicated
Sheet No. A106
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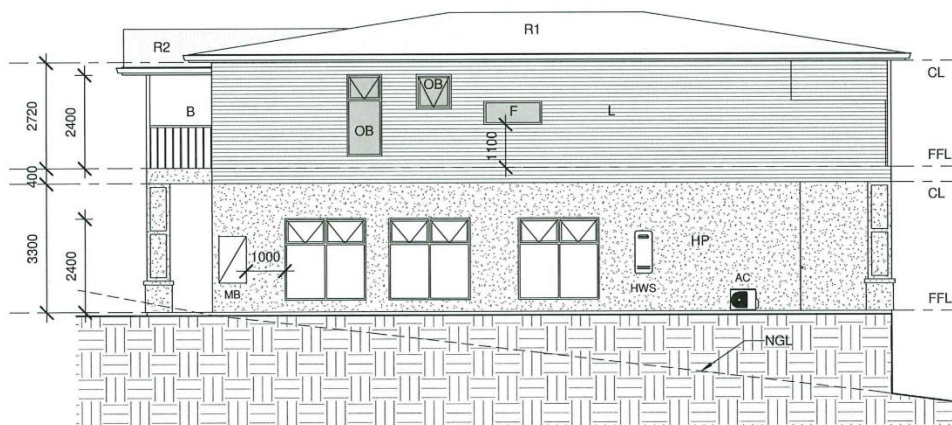
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Side Elevation 1

1 : 100



Side Elevation 2

1 : 100

LEGEND & COLOURS

- HP Rendered Hebel Panel. Colour: Grey
- L Linea cladding. Colour: Grey
- GD 2.4m x 4.8m Panel Lift Door. Colour: Grey
- R1 Colourbond Roof @ 9° Pitch. Colour: Charcoal
- R2 Colourbond Roof @ 12° Pitch. Colour: Charcoal
- H Hardiflex sheeting. Colour: Grey
- B Balustrade to client selections
- OB Obscure glazing
- P 90 x 90 double posts. Colour: White
- Aluminium window & door frames to be white
- 1.8m H Good Neighbour Fence. Colour: Charcoal

NOTE: Stairs & balustrade to comply with AS1428. 1-2009

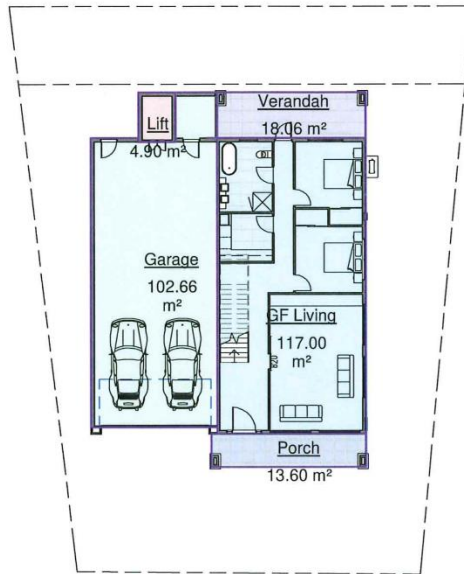
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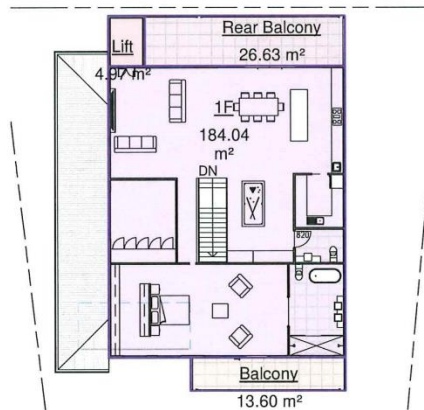




Ground Floor

1 : 200

- 1F
- Balcony
- Courtyard Landscape
- Front Landscape
- Garage
- GF Living
- Lift
- Porch
- Rear Balcony
- Verandah



1st Floor

1 : 200

Area Schedule	
Name	Area
Garage	102.66 m²
GF Living	117.00 m²
Verandah	18.06 m²
Porch	13.60 m²
1F	184.04 m²
Rear Balcony	26.63 m²
Balcony	13.60 m²
Lift	4.90 m²
Lift	4.97 m²
Grand total	485.48 m²

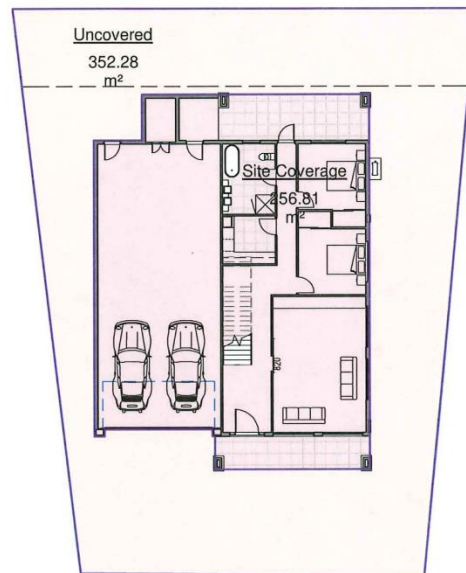
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- Site Coverage
- Uncovered

Site Coverage	
Name	Area
Site Coverage	256.81 m²
Uncovered	352.28 m²
Grand total	609.09 m²

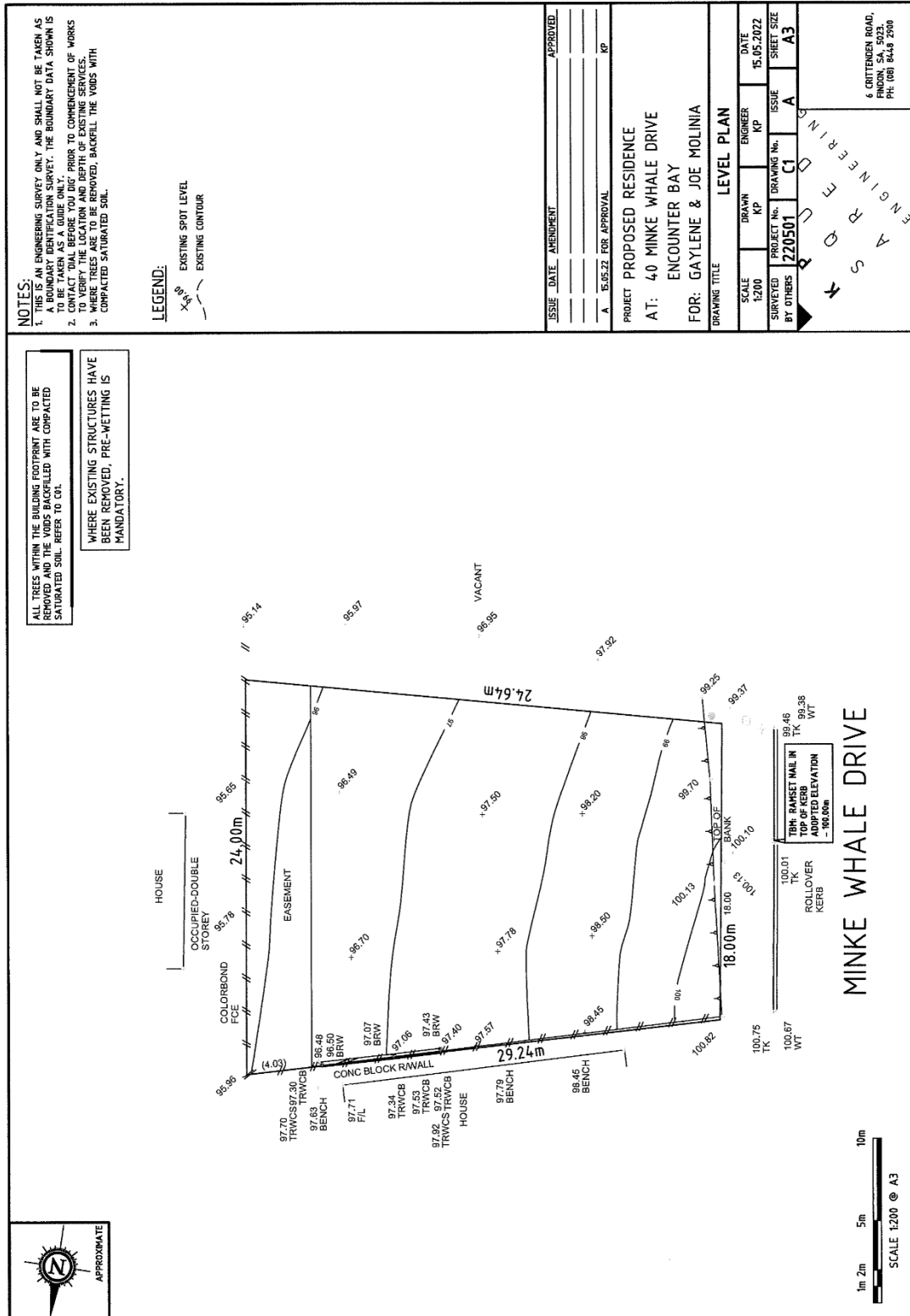
Gaylene & Joe Molinia
40 Minke Whale Drive
New Double Storey Home

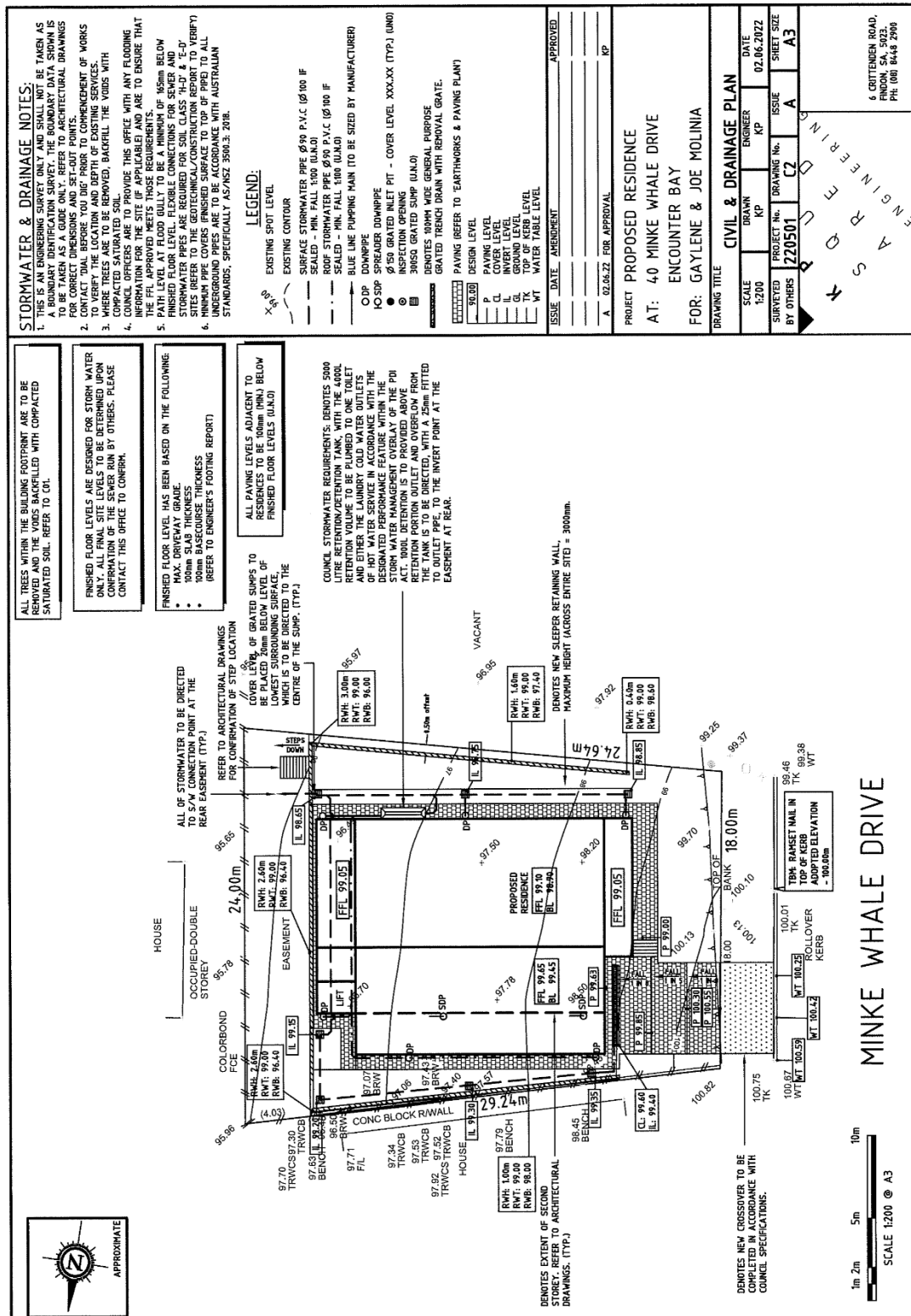
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01.07.22
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Sheet No.
A111

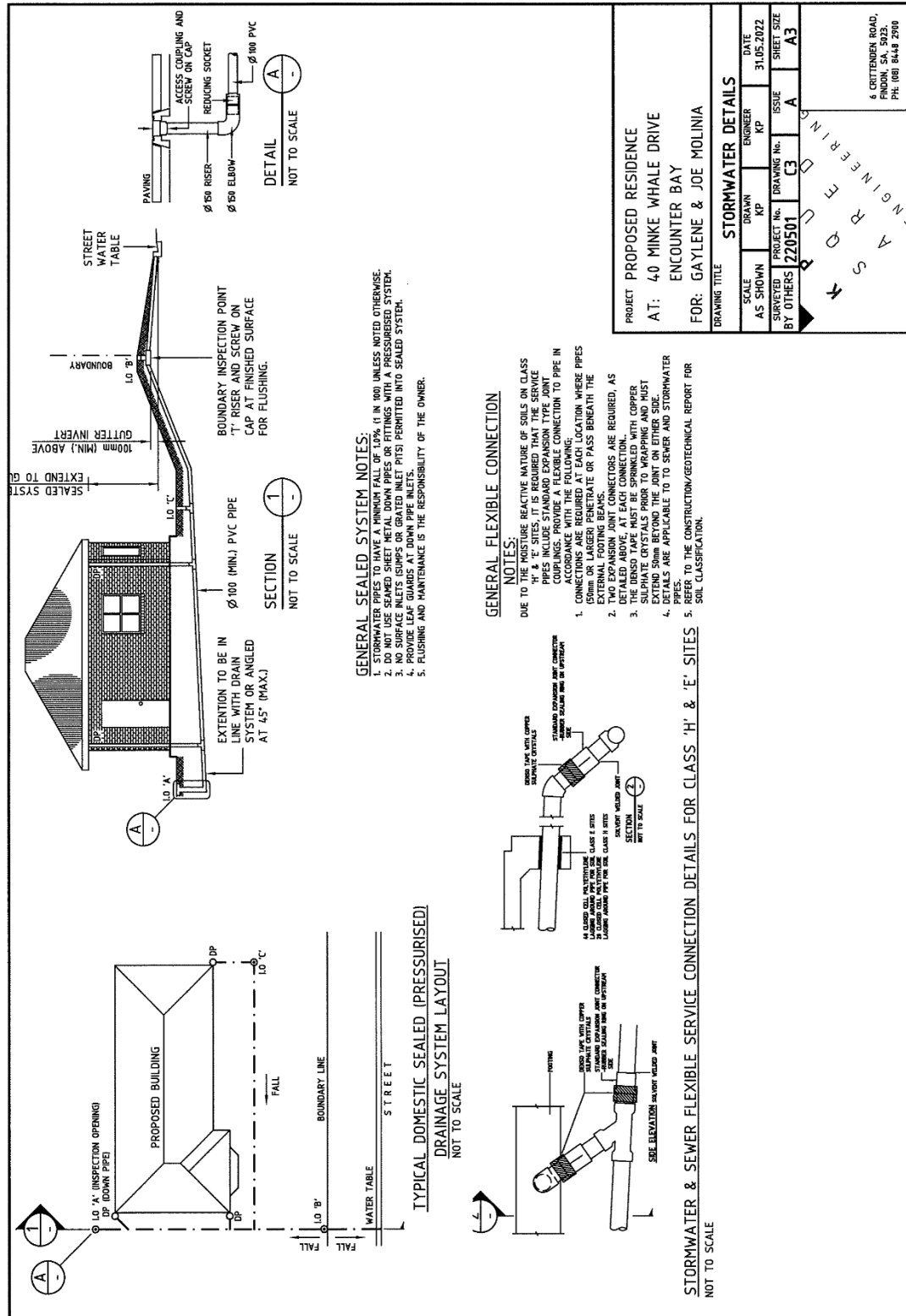
CONTRACTOR NOTE:
CONTRACTORS ARE TO
VERIFY ALL DIMENSIONS ON
SITE BEFORE COMMENCING
ANY WORK. FIGURED
DIMENSIONS SHALL TAKE
PREDOMINANCE OVER SCALED
DIMENSIONS AND ANY
DISCREPANCY SHALL BE
REPORTED TO THE
DESIGNER IMMEDIATELY

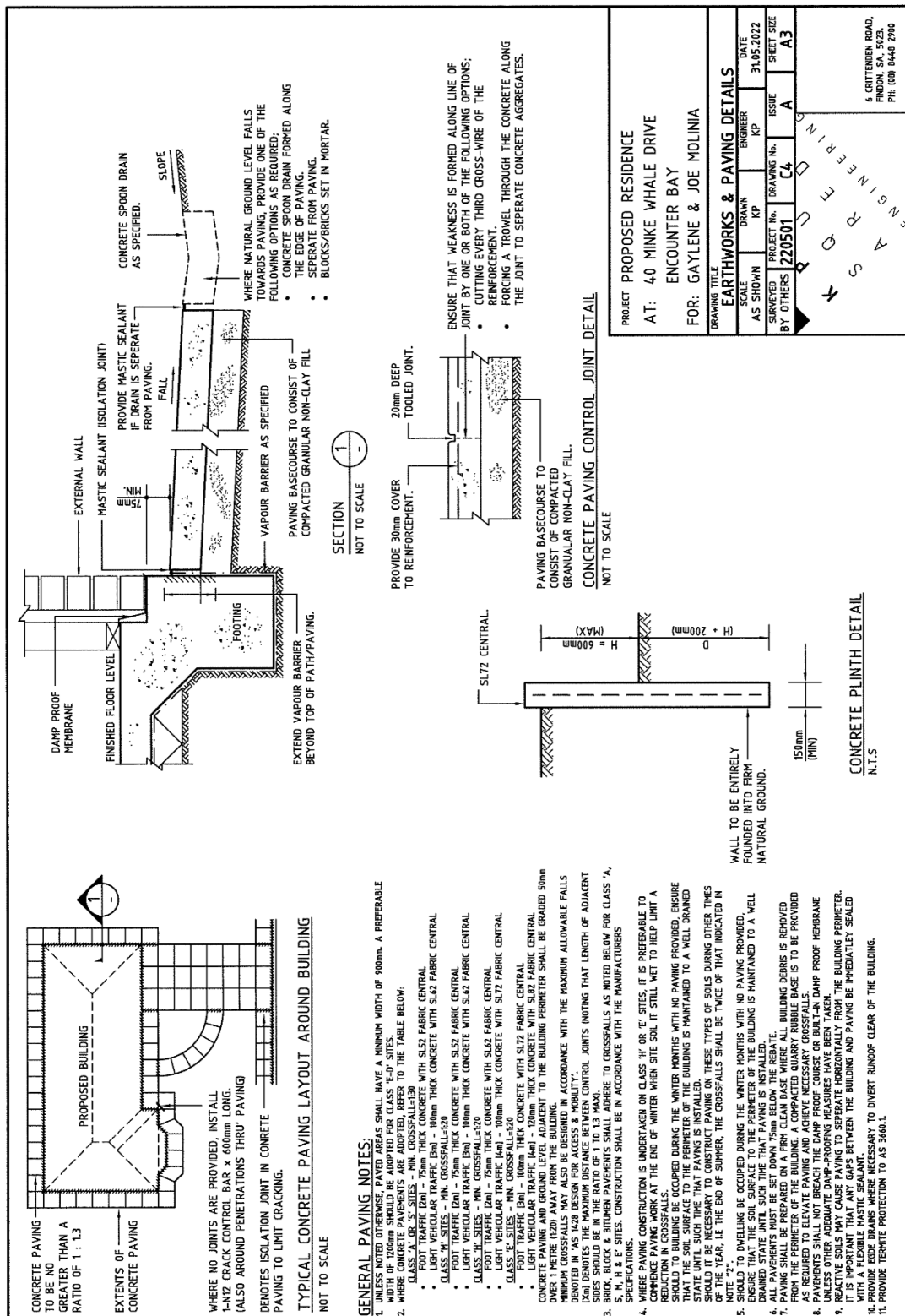
**NEW CREATION GROUP
BUILDING CONTRACTORS**
309 North East Road, Hampstead Gardens
Phone: (08) 8367 5111
Fax: (08) 8367 5333
Email: info@newcreationgroup.com.au











4.3 Two Storey Detached Dwelling and Associated Retaining Walls at 18 Orca Place, Encounter Bay

Committee Council Assessment Panel

Meeting Held 09/05/2023

From Adele Davis-Cash

File Reference DC3.71.034

Subject Land 18 Orca Place, Encounter Bay

Applicant Tracey and Paul Edwards

Zone Hills Neighbourhood Zone

Plan Date P&D Code policy capture 19 February 2023

Public Notice Required

In accordance with the Planning, Development and Infrastructure Act 2016, no representors have sought to address the Panel.

Recommendation Approval

RECOMMENDATION

I recommend that the Council Assessment Panel:

1) RESOLVE that the proposed development is NOT seriously at variance with the provisions in the Planning and Design Code.

2) RESOLVE to grant Planning Consent to Tracey and Paul Edwards, Application ID 23002913 for a Two-Storey Detached Dwelling and Associated Retaining Walls at 18 Orca Place, Encounter Bay, subject to the following conditions:

1. The development shall be in accordance with the plans and details submitted to and approved by Council as part of the application, except as varied by any subsequent conditions imposed herein.
2. Proposed retaining walls shall be constructed as part of the construction phase of the building and completed prior to the occupation/use of the approved building.

PLEASE NOTE: There may be a requirement to give the adjoining owner 28 days notification under the Building Rules. To check whether this is the case please contact your Builder, Private Certifier or Council as the case may be.

3. Proposed earthworks (excavation and/or fill) adjacent to a property boundary shall be protected using an engineer designed retaining wall and/or an appropriately battered

slope, or provide Council with details of an alternate protection measure. Such protection measures shall be installed during the construction phase of the building to the reasonable satisfaction of Council and completed prior to the occupation/use of the approved building.

PLEASE NOTE: There may be a requirement to give the adjoining owner 28 days notification under the Building Rules. To check whether this is the case please contact your Builder, Private Certifier or Council as the case may be.

4. The stormwater disposal from the building and/or site shall be installed within seven (7) days from the installation of the roof covering by means of impervious pipes or other suitable materials to the street water table, ensuring that the drain under the footpath is either-
 - a) a single 100mm diameter concrete pipe;
 - b) an appropriate sized and corrosion protected steel pipe; or
 - c) a 90mm minimum sewer grade PVC pipe.

Alternatively, provide Council with proof of adequacy of a system that will ensure that there will be no adverse effects from site generated stormwater to people, property or buildings.

5. The external materials and finishes of the development shall be of a low light-reflective nature.
6. Upstairs windows as shown to North-East Elevation, North-West Elevation and South-West Elevation shall have minimum window sill heights of 1.5 metres above finished floor level, or any glass below 1.5 metres shall be manufactured obscure glass, fixed shut or by a wind out mechanism (to open no greater than 200mm) and hinged at the top of the window panel, or, as otherwise approved by Council to ensure reasonable protection of privacy.
7. The site shall be landscaped to achieve a high level of amenity to complement the locality and to the reasonable satisfaction of Council.

SUBJECT LAND

The subject land comprises No. 18 (lot 117) Orca Place, Encounter Bay, being the land to which Certificate of Title Volume 5172 Folio 259 refers. It is an irregular shaped vacant allotment located on the western side of Orca Place; cleared of any vegetation from previous earthworks (cut and fill); and a street frontage of 22.8 metres and site area of approximately 680m².

The subject land is bound to the to the east by Orca Place, to the west by a single storey dwelling and vacant allotment, and to the north and south by two storey dwellings.



LOCALITY

The immediate locality exhibits primarily single and two-storey detached dwellings (of various sizes and designs) on individual allotments ranging from 500m² to 745m² and a number of vacant allotments. Most dwellings have been designed and sited in order to obtain coastal views of Encounter Bay and The Bluff.

In view of the aforementioned, it is considered that the locality generally exhibits the character of a developing residential area, wherein the built form varies and the residential density is consistent.

PROPOSAL

The applicant (Paul and Tracey Edwards) proposes to construct a two-storey detached dwelling and associated retaining walls. The proposed dwelling will comprise of the following;

- Comprise approximately 250m² of living area over both levels, approximately 40m² garage, and upper-level front balcony of approximately 55m².
- Ground floor comprises of two (2) bedrooms, a living room, bathroom and laundry.
- Upper floor comprises one (1) bedroom with walk-in-robe and ensuite bathroom and open plan kitchen/living/dining areas.
- Rendered walls to both the ground and upper floor and colorbond roof.
- All stormwater is to be directed to the street water table.

A copy of the proposal is contained in [Attachment 1](#).

PUBLIC NOTIFICATION

Generally, all classes of performance assessed development require public notification unless, pursuant to Section 107 (6) of the PDI Act, the class of development is specifically excluded from notification by the Code in Table 5 – Procedural Matters (PM) – Notification of the relevant Zone.

In this instance, the Retaining Wall is not excluded from notification in the Hills Neighbourhood Zone. Reason being the retaining walls exceed 1.5 metres in height. The proposed development includes a retaining wall up to 2.35 metres high to retain site cut along the northern boundary and was notified accordingly.

At the expiry of public notification one (1) representation was received. The representations received raised concern about overlooking and impact on views. A copy of the representations is provided in [Attachment 2](#).

The applicant's written response to representation is provided in [Attachment 3](#).

ASSESSMENT

The Detached Dwelling and Retaining Wall is not classified as an Accepted, Deemed-to-Satisfy, Restricted or Impact Assessed development within the relevant Tables of the Zone.

The proposed development is therefore a Code Assessed - Performance Assessed development pursuant to Sections 105(b) and 107 of the Act, requiring an on-merit assessment against the relevant provisions of the Code. Given a detached dwelling and retaining wall has a specified Performance Assessed Pathway in Table 3 of the Zone, the applicable policy is determined as per the Planning and Design Code Rules of Interpretation which state the following;

The policies specified in Table 3 constitute the policies applicable to the particular class of development within the zone to the exclusion of all other policies within the Code, and no other policies are applicable.

These pre-determined applicable Code policies include those from the Hills Neighbourhood Zone and General Development Policies. In addition to assessment against the Zone and General Development policies of the Code are the provisions in the Overlays as follows;

- Native Vegetation Overlay
- Affordable Housing Overlay
- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding - Evidence Required)
- Prescribed Water Resources Area

These applicable provisions of the Code which relate to the proposed development are as follows;

Hills Neighbourhood Zone

Desired Outcome: DO 1

Performance Outcome: PO 1.1, PO 3.1, PO 4.1, PO 5.1, PO 8.1, PO 9.1, PO 10.2, PO 11.1, PO 11.2, PO 11.3

Hazards (Flooding – Evidence Required) Overlay

Desired Outcome DO 1

Performance Outcome PO 1.1

Native Vegetation Overlay

Desired Outcome: DO 1

Performance Outcome: PO 1.1, PO 1.2, PO 1.4

General Development Policies

Design in Urban Areas

Desired Outcome: DO 1

Performance Outcome: PO 8.1 - PO 8.5, PO 9.1, PO 9.2, PO 10.1, PO 10.2, PO 17.1, PO 17.2 PO 18.1, PO 20.1 – 20.3, PO 2.1, PO 22.1, PO 23.1 – PO 23.6, PO 24.1, PO 31.2, PO 33.1

Infrastructure and Renewable Energy Facilities

Desired Outcome: DO 1

Performance Outcome: PO 11.2

Interface between Land Uses

Desired Outcome: DO 1

Performance Outcome: PO 3.1 – PO 3.3

Transport, Access and Parking

Desired Outcome: DO 1

Performance Outcome: PO 5.1, PO 10.1

The proposal is assessed against the prescriptive requirements of the Planning and Design Code as outlined in the Table below:

P & D Code Provisions – Suburban Neighbourhood Zone	Designated Feature	Performance	Assessment
SITE AREA Hills Neighbourhood Zone DPF 2.1 (a)	560m ²		680m ² existing allotment – consistent with provision
SITE FRONTAGE - one street boundary DPF 2.1 (b)	15m		22.8m existing allotment - consistent with provision
HEIGHT Hills Neighbourhood Zone DPF 4.1 (a)	9m		Up to 8.4m – consistent with provision
SITE COVERAGE Hills Neighbourhood Zone DPF 3.1 (a)	40%		31% - consistent with provision
PRIMARY STREET SETBACK Hills Neighbourhood Zone DPF 5.1 (a)	Average of building setbacks on both adjoining sites. (13.5m – 4.5m at 16 Orca Place and 10m at 20 Orca Place)		9.85m – 4.9m - consistent with provision 9.5m – partially consistent with provision

REAR SETBACKS Hills Neighbourhood Zone DPF 9.1 (a) and (b)	4m first building level 6m second building level	Approx. 12.5m – 13.5m setback – consistent with provision
SIDE BOUNDARY SETBACK Hills Neighbourhood Zone DPF 8.1 (a)	Building walls Both sides (not on boundary) on a site with a gradient exceeding 1:8 1.9m – northern side 1.9 plus 1/3 of the wall height above 3m – southern side	3m – 5m northern boundary - consistent with provision 2.5m (up to 2.8m required) to southern boundary - inconsistent with provision
PRIVATE OPEN SPACE General Development Policy – Design in Urban Areas DPF 21.1 Table 1 – Private Open Space	Minimum 60m ²	Approx. 180m ² – consistent with provision
CARPARKING SPACES General Development Policy – Transport, Access and Parking DPF 5.1 (a)	Minimum 2 on-site parking spaces	Double width garage – consistent with provision

In the above mentioned Table, the two storey detached dwelling has been assessed against the quantitative provisions of the Planning and Design Code and the dwelling is consistent with the requirements for dwelling height, site coverage, front and rear setback, private open space provision carparking provision, and partially consistent with the side setbacks. To further assess the merits or otherwise of the proposed dwelling and associated retaining walls the performance outcome policy that deal more with the qualitative provisions of the Planning and Design Code are addressed under the following heading;

Cut and Fill

Hills Neighbourhood Zone – DO 1: Development that provides a complementary transition to adjacent natural and rural landscapes. Low density housing minimises disturbance to natural landforms and existing vegetation to mitigate the visible extent of building, earthworks and retaining walls.

Hills Neighbourhood Zone – PO 10.2: Development of more than 1 building level in height takes account of its height and bulk relative to adjoining dwellings by:

(a) incorporating stepping in the design in accordance with the slope of the land

Hills Neighbourhood Zone – PO 11.3: Retaining walls are stepped in a series of low walls constructed of dark, natural coloured materials and screened by landscaping.

General Development Policy – Design in Urban Areas PO 9.1: Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.

The proposed development seeks consent for a two-storey detached dwelling and associated retaining walls which is consistent with the above-mentioned desired outcome of the Hills Neighbourhood Zone. The scale and site coverage of the proposed development will be comparable to that of other existing residential development within the locality. In addition, the extent of the proposed site works is not considered to be excessive or extraordinary for sites within the locality or Encounter Bay generally. Notwithstanding the aforementioned, the proposed development will require siteworks with retaining walls up to 2.35m in height.

When assessing the appropriateness of site works, it is essential to have regard to the topography of the subject land. The subject land has a downward slope from west to east diagonally across the allotment, however siteworks have already occurred from a previous dwelling approval. This has resulted in approximately 1m of cut towards the rear and approximately 1.5 metres of fill to the front of the allotment which has been controlled with battered slopes. The proposed two storey dwelling will require an additional 1.4 metres of cut from the existing levelled area to achieve the proposed bench level. Additional cut into the existing battered slopes to the southern and northern boundaries will result in a combined amount of cut earthworks up to 2.4 metres high.

Given the majority of siteworks and associated retaining walls are required to retain excavation (cut) it is not considered the retaining walls impact on privacy, visual amenity of both public or adjoining private areas, or access to sunlight and is therefore consistent with Hills Neighbourhood Zone – PO 11.3 and General Development Policy – Design in Urban Areas PO 9.1.

Visual Privacy

General Development Policy - Design in Urban Areas PO 10.1: Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood type zones.

General Development Policy - Design in Urban Areas DTS/DPF 10.1: Upper level windows facing side or rear boundaries shared with a residential use in a neighbourhood-type zone:

- (a) are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm*
- (b) have sill heights greater than or equal to 1.5m above finished floor level*
- (c) incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5 m above the finished floor level.*

The one (1) representation received during public notification suggested the main concern from the proposed dwelling was with overlooking, specifically referring to privacy concerns from all levels and all sides of the proposed dwelling.

To clarify, the proposed dwelling will be sited up to approximately 3.8 metres below the ground level at the rear (west) property boundary shared with 49 Southern Right Crescent. It is therefore considered that overlooking into this adjoining property (and vacant allotment at 51 Southern Right Crescent) would be near impossible from the ground level of the proposed dwelling. And despite the privacy concern being raised in representation relating to all sides of the proposed dwelling, it is only considered reasonable that the upper level rear elevation windows would be visible to the property at 49 Southern Right Crescent (and vacant allotment at 51 Southern Right Crescent). These rear windows consist of a powder room window and landing window opposite the staircase. Both rear windows are either high-set or obscure to 1.5m above the finished floor level despite being setback a significant distance from the rear boundary (approx. 15-16 metres). Similarly, all upper-level side (north and south) elevation windows are either high-set or obscure to 1.5m above the finished floor level.

Therefore, I consider the windows as proposed to both side elevations and the rear elevation are, in my opinion, reasonable design measures that reduce the extent of overlooking in accordance with above mentioned General Development Policy -Design in Urban Areas PO 10.1 and are consistent with the corresponding DTS/DPF 10.1.

CONCLUSION

The subject development proposal seeks consent to construct a two storey detached dwelling and associated retaining walls at 18 Orca Place, Encounter Bay. The subject land is located within the Hills Neighbourhood Zone and therefore the proposed development, being residential in nature, complies with the general intent and provisions of the Zone and is considered an acceptable form of development in this locality.

Notwithstanding the above, the proposed development incorporates approximately 2.4 metres of site cut requiring retaining walls up to 2.35 metres high in order to achieve a lower floor level. However, this variation is not considered to be detrimental to the application and contributes to a development that will be relative in height and scale to adjoining dwellings and those in the locality.

In view of the above, it is considered that the nature and design of the proposed development is appropriate for the land and locality. Having considered all of the relevant provisions of the Planning and Design Code, it is considered that the subject development proposal is not seriously at variance with the provisions to warrant the granting of consent.



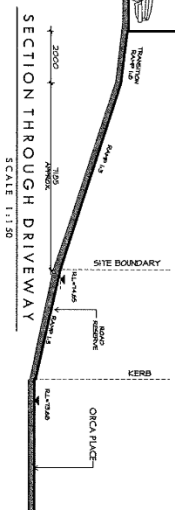
Attachment 1

VARTOKAS ARCHITECTS PTY LTD
 1/216 BLEN OSMUND RD, MILLERTON 5043
 T: 08 8379 8003 EMAIL: admin@vartokasarchitects.com.au
 WEBSITE: www.vartokasarchitects.com.au

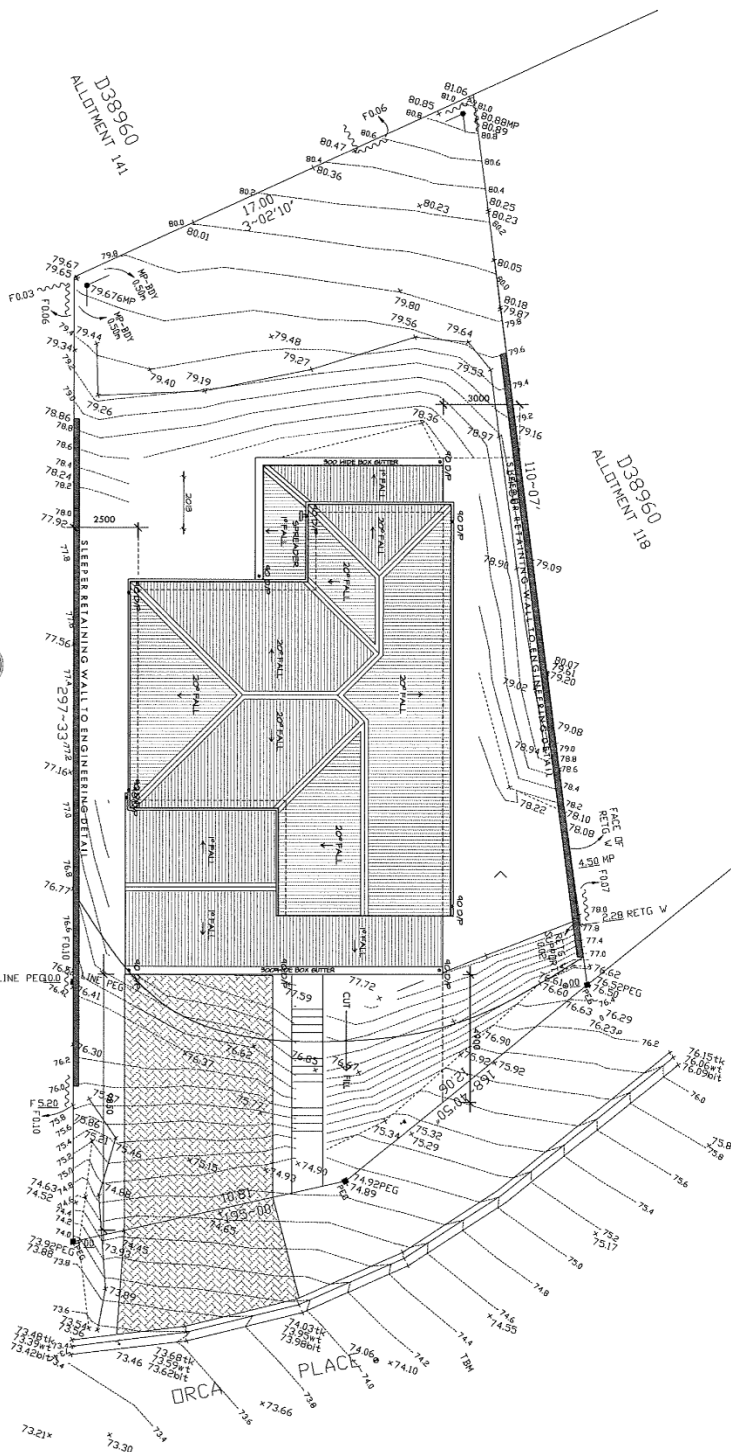
PAUL & TRACY EDWARDS
 LOT 117 ORCA PLACE, ENCOUNTER BAY SA
 JOB NUMBER: D218-519

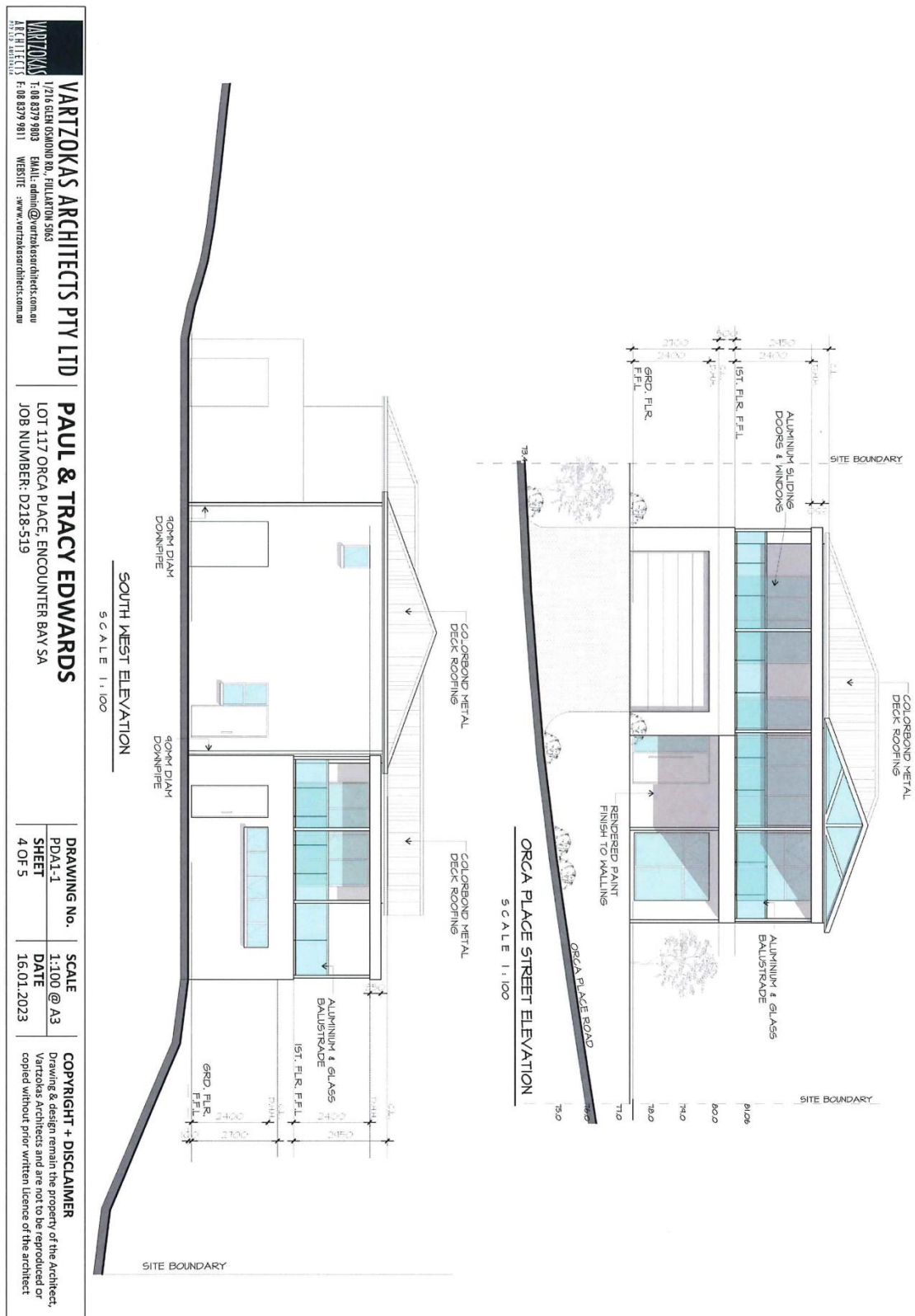
DRAWING NO. PDAL-1
 SHEET 1 OF 5
 SCALE 1:150 @ A3
 DATE 16.01.2023

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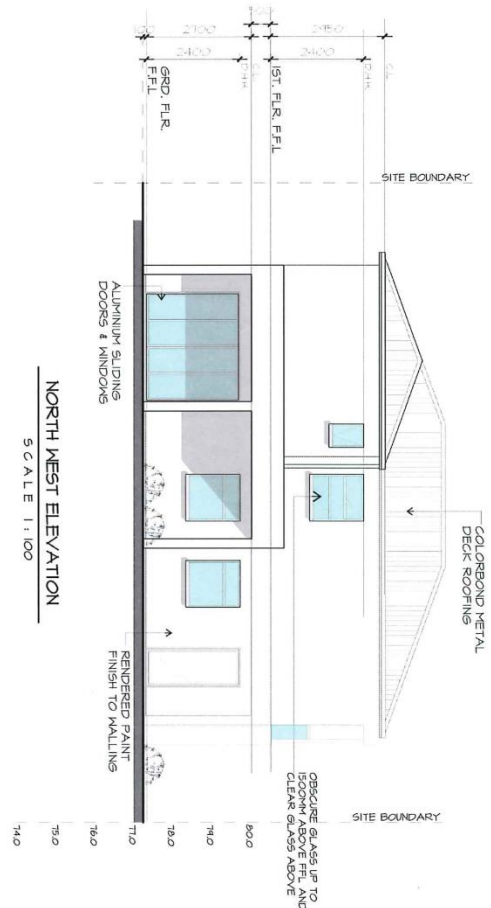
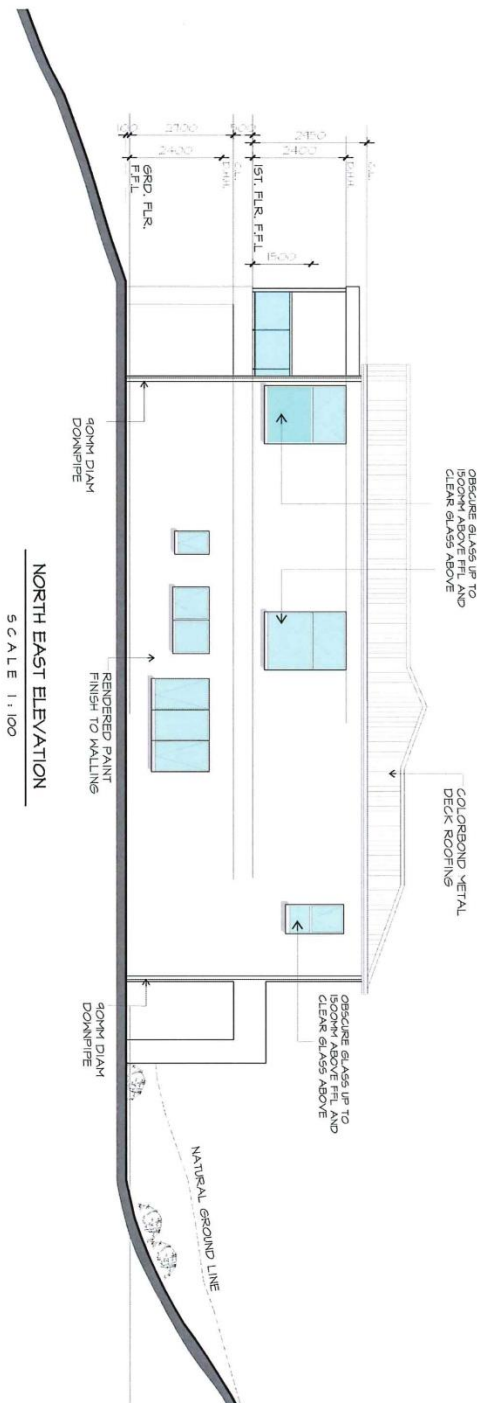


SITE PLAN
 SCALE 1:150





VARTZOKAS ARCHITECTS PTY LTD 1/216 GLEN OSMOND RD, TULLARON 5063 TEL: 08 8379 7803 FAX: 08 8379 7811 EMAIL: admin@vartzokasarchitects.com.au WEBSITE: www.vartzokasarchitects.com.au		PAUL & TRACY EDWARDS LOT 117 ORCA PLACE, ENCOUNTER BAY SA JOB NUMBER: D218-519	
DRAWING No. PDAL-1 SHEET 5 OF 5		SCALE 1:100 @ A3 DATE 16.01.2023	
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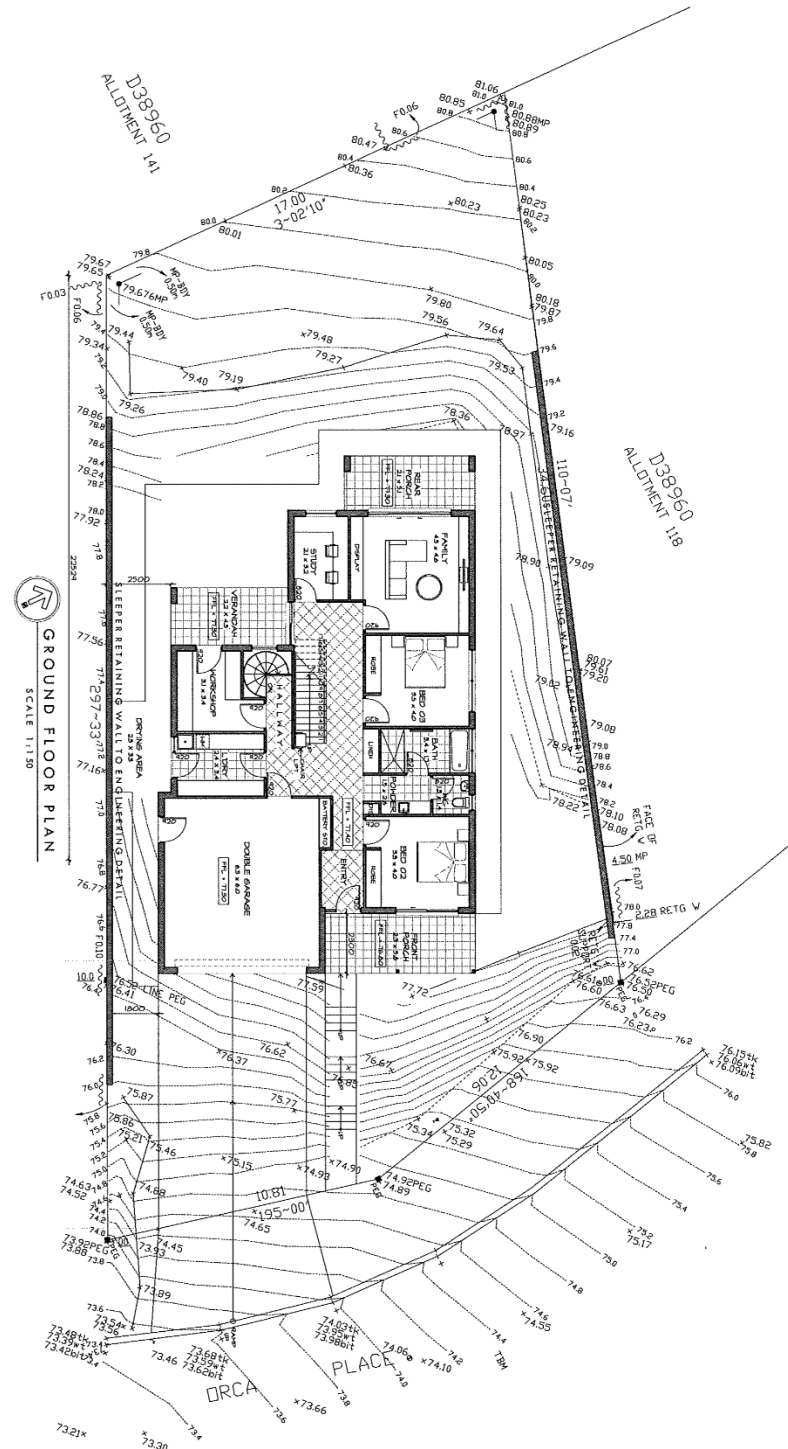
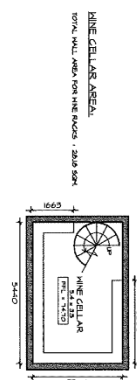
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 T: 08 8379 9803 E: info@vartokasarchitects.com.au
 22/19 STIRLING ST. WEBSITE: www.vartokasarchitects.com.au

PAUL & TRACY EDWARDS
 LOT 117 ORCA PLACE, ENCOUNTER BAY SA
 JOB NUMBER: D218-519

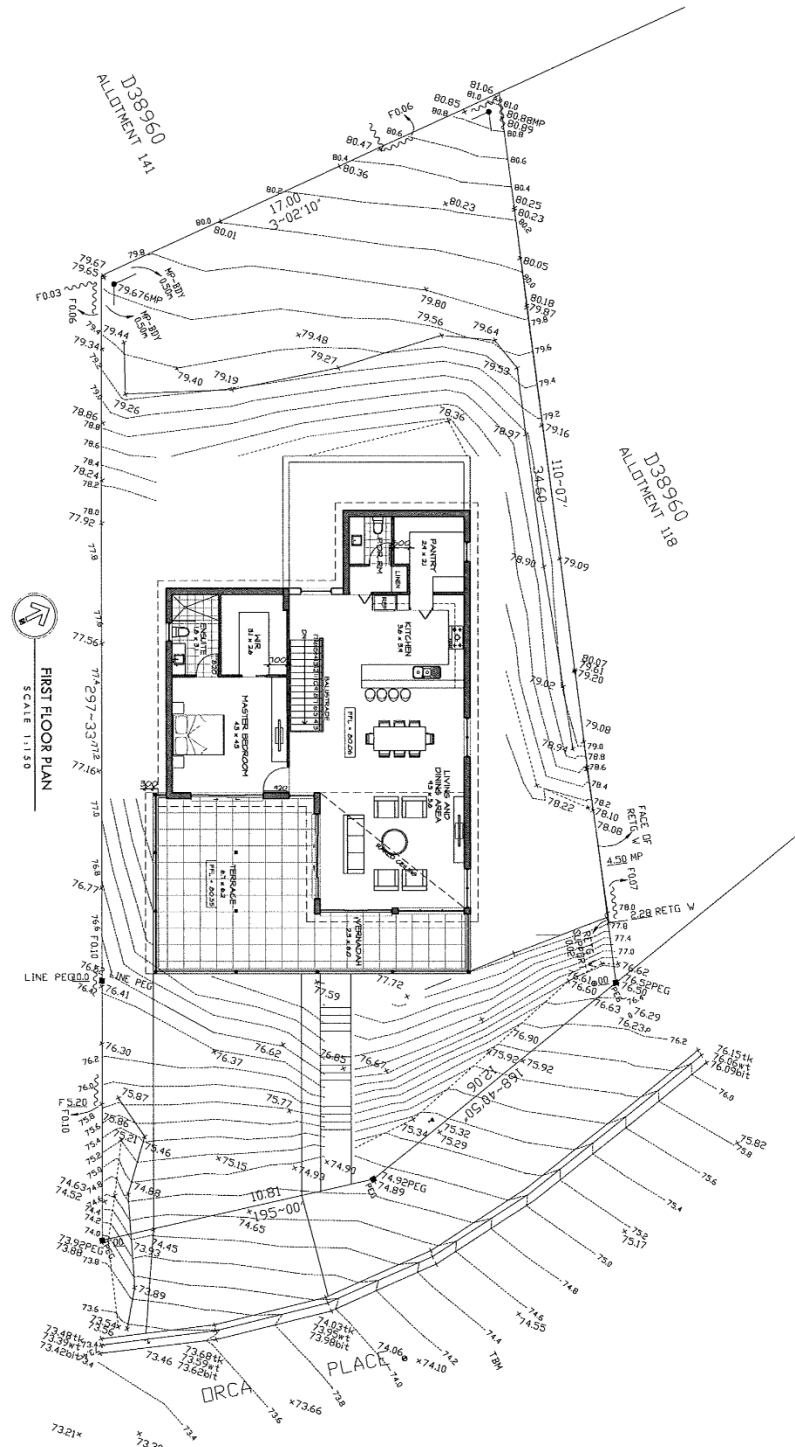
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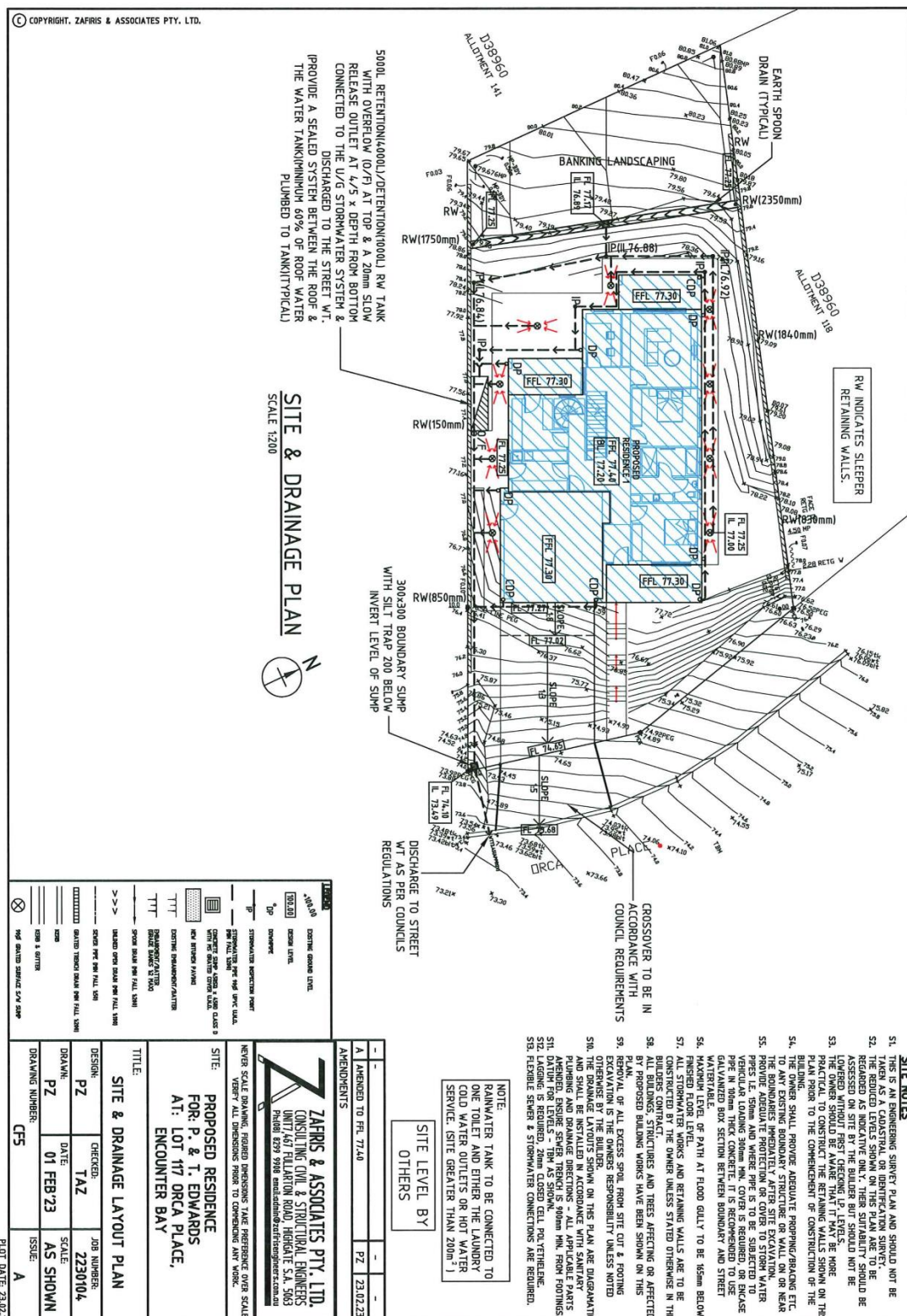
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DRAWING No. PDA1-1	SCALE 1:150 @ A3	COPYRIGHT + DISCLAIMER Drawing & design remain the property of the Architect. Vartokas Architects and are not to be reproduced or copied without prior written licence of the architect	
SHEET 3 OF 5	DATE 16.01.2023		







STORMWATER DRAINAGE CALCULATIONS

CLIENT: P. & T. EDWARDS

JOB NO: 2230104

SITE: LOT 117 ORCA PLACE, ENCOUNTER BAY

PROJECT DETAILS: STORMWATER DRAINAGE DESIGN

PAGE

INDEX

1

STORMWATER DESIGN COMPUTATIONS

NOTES:


- These calculations are to be read in conjunction with relevant construction reports, structural drawings and architectural drawings.
- All work to comply with the Building Code of Australia and relevant Australian and Australian and New Zealand Standards and Minister's Specifications listed below:

AS 3500	PLUMBING AND DRAINAGE
AS 2870	RESIDENTIAL SLABS AND FOOTINGS
AS 1221	FIRE HOSE REELS
AS 2620	DOMESTIC GARDEN HOSE
AS 1530	METHODS FOR FIRE TESTS ON BUILDING MATERIALS, COMPONENTS & STRUCTURES
SA 78	ADDITIONAL REQUIREMENTS IN DESIGNATED BUSHFIRE PRONE AREAS
SA 78AA	ON-SITE RETENTION OF STORMWATER

Unit 7, 467 Fullarton Road, Highgate, South Australia, 5063

Telephone: (08) 8299 9908 **Facsimile:** (08) 8299 9907

Email: admin@zafirisenigneers.com.au

 ZAFIRIS & ASSOCIATES PTY. LTD. CONSULTING CIVIL & STRUCTURAL ENGINEERS UNIT 7, 467 FULLARTON ROAD, HIGHGATE S.A. 5063 Ph:(08) 8299 9908 Fax:(08) 8299 9907 ACN 008 085 952 e-mail: admin@zafirisengineers.com.au	JOB NUMBER:		SHEET NUMBER:	
	2230104		1	
	DESIGN:		DATE:	
	PZ		1/02/2023	

ADDRESS:	LOT 117 ORCA PLACE, ENCOUNTER BAY
----------	-----------------------------------

RAINWATER TANK : Refer to Code Assessed

Site Size = $\frac{\text{Total Area}}{\text{Buildings}}$

$\frac{680}{1} = \boxed{680.00} \text{ m}^2$

Perviousness % = $\frac{\text{Paving Area (m}^2\text{)} + \text{Roof Area (m}^2\text{)}}{\text{Total Area}} \times 100$

$\frac{133 + 211}{680} \times 100 = \boxed{50.588} \%$

Refer to Table 1 to Determining Rainwater Tank size:

Table 1: Rainwater Tank

Site Size (m ²)	Min. Retention Volume (L)	Minimum Detention Volume (L)
< 200	1000	1000
200 - 400	2000	Site perviousness < 30% : 1000 Site perviousness ≥ 30% : N/A
> 401	4000	Site perviousness < 35% : 1000 Site perviousness ≥ 35% : N/A

Tank Size = $\text{Retention} + \text{Detention}$

$4000 + 1000 = \boxed{5000} \text{ L}$

RAINWATER TANK DISCHARGE OUTLET:

$\phi = \boxed{20} \text{ mm (PIPE)}$
 $A = \boxed{0.00031} \text{ m}^2$
 $Q_{\text{orifice (outlets)}} \rightarrow Q_o = CA \sqrt{2gH}$
 $Q_o = 0.65 \times 0.00031 \sqrt{2 \times 9.81 \times 1.2} = \boxed{0.0010} \text{ m}^3/\text{s}$

$C = \boxed{0.65} \text{ (outake coefficient)}$
 $g = \boxed{9.81} \text{ m/s}$
 $H = \boxed{1.2} \text{ m}$
 $= \boxed{1.0} \text{ L/s}$

Allow 1.0 L/s discharge from each 20mm ϕ outlet of rainwater tanks.

$\boxed{1} \text{ L/s total} = \boxed{1} \text{ tanks}, \boxed{1} \text{ buildings}$

[THEREFORE USE A 5000L RAINWATER TANK WITH A 20mm SLOW RELEASE OUTLET PER RESIDENCE WITH MINIMUM 60% ROOF AREA CONNECTED TO EACH TANK]

Attachment 2

Details of Representations

Application Summary

Application ID	23002913
Proposal	Two Storey Detached Dwelling and Associated Retaining Walls
Location	18 ORCA PL ENCOUNTER BAY SA 5211

Representations

Representor 1 - Nicolas Boonekamp

Name	Nicolas Boonekamp
Address	49 southern right crescent ENCOUNTER BAY SA, 5211 Australia
Submission Date	27/03/2023 10:14 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons After reviewing the proposed plans, and speaking to relevant professionals on this matter, I do not support the development. It denies our rights to basic amenities, with our main concern being privacy. Having small children living on our property (aged 2,5 & 6) they will lose most of their privacy in their own back yard not to mention the direct line of sight into our main living area, our kitchen and our private outdoor space. Without adequate excavation of the land, they will be able to see directly into our home from all levels and angles on their property, completely violating our right to privacy. The second encroachment on our amenities is the complete disruption of views, severely dropping our property value. Studies show that blocking off views can drop a property's value by 15-25%. Again with adequate excavation, there would be no disruption in privacy, no disruption to neighbouring properties with views, and no disruption to adequate sunlight, especially in the morning during the winter months when neighbouring landscapes rely on. The land was sold previously with the condition that no 2 storey dwelling be built on that land out of respect to neighbouring properties, we believe that should be upheld.	

Attached Documents

Attachment 3



LEVEL 1/216 GLEN OSMOND ROAD, FULLARTON S.A. 5063 A.B.N. 40 897 503 620 TEL : (08)8379 9803 FAX : (08)8379 9811
WEB : WWW.VARTOKASARCHITECTS.COM.AU EMAIL : ADMIN@VARTOKASARCHITECTS.COM.AU

Attention Adele Davis-Cash
City of Victor Harbor
PO Box 11,
Victor Harbor SA 5211

5th April 2023

Dear Adele,

RE : DEVELOPMENT ID 23002913

I write in response to the representation received relating to the 2-storey dwelling at 18 Orca Place, Encounter Bay SA.

The proposed building form has been carefully considered and addresses the concerns relating to over-looking and privacy as required under the Planning Act and regulations for this locality.

All upper level windows have fixed and obscure glass to a height of 1500mm above finished floor level in accordance with the planning requirements to reduce potential for over-looking.

The building has been cited based on the "best fit" cut and fill to provide better integration within the site and to provide adequate vehicular access onto the site from Orca Place.

I advise that there is no encumbrance or condition on the development on this site that precludes the construction of 2-storey dwelling .

I trust this addresses all matters raised by the respondent .

Yours sincerely
VARTOKAS ARCHITECTS PTY. LTD.
Atf Vartokas Architects Trust

A handwritten signature in black ink, appearing to read "Tom Vartzokas". The signature is fluid and cursive, with a long, sweeping underline.

Tom Vartzokas B.Arch RAIA
PRINCIPAL/MANAGING DIRECTOR

Edwards Dwelling E218-519

5. OTHER BUSINESS

6. POLICY ISSUES

7. NEXT MEETING

The next meeting is scheduled to be held on Tuesday 13 June 2023.

8. CLOSURE