



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

Date: Tuesday, 25 June 2019
Time: 9.30am
Location: Council Chambers
Minlaton Town Hall
57 Main Street
Minlaton

AGENDA

Council Assessment Panel Meeting

25 June 2019

Roger Brooks
ASSESSMENT MANAGER

**Yorke Peninsula Council
Assessment Panel Membership**

Rodney Button – Presiding Member

Debra Agnew

Jeffrey Cook

Elinor Walker

CONFLICT OF INTEREST

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

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

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

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1 WELCOME BY PRESIDING MEMBER

Meeting declared opened

2 PRESENT

3 GALLERY

4 APOLOGIES

Nil

5 LEAVE OF ABSENCE

Nil

6 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

Council Assessment Panel Meeting - 17 April 2019

7 CONFLICT OF INTEREST

8 VISITORS TO THE MEETING

REPORTS

REPORTS

9 DEVELOPMENT APPLICATIONS**9.1 LONGRIDGE GROUP PTY LTD 544/1177/2018**

Document #: 19/44040

Department: Development Services

PROPOSAL OUTLINE

Author: Heidi Smith

Application No.: 544/1177/2018

Applicant: Longridge Group Pty Ltd

Owner: La Tortuga Pty Ltd

Development Proposal: Two Storey Dwelling, Balcony, Deck & Retaining Walls

Lodgement Date: 8 June 2018

Subject Land: (Lot 50) 93 Sultana Point Road, Sultana Point

Zone: Coastal Settlement

Nature of Development: Non-Complying

Public Notification: Category 3

Representations: Nil

Referrals: Coast Protection Board

Development Plan Version: 31 October 2017

RECOMMENDATION

- A. That Development Application 544/1177/2018 for the construction of a two storey dwelling, balcony, deck and retaining walls at (lot 50) 93 Sultana Point Road, Sultana Point is not seriously at variance with the provisions of the Yorke Peninsula Council Development Plan consolidated 31 October 2017.**
- B. That following consideration and having regard to all relevant matters concerning the construction of a two storey dwelling, balcony, deck and retaining walls at (lot 50) 93 Sultana Point Road, Sultana Point (Development Application 544/1177/2018), the proposal be GRANTED Development Plan Consent, subject to the following conditions of consent and concurrence being sought from the State Commission Assessment Panel.**

Conditions

- 1. The applicant shall proceed strictly in accordance with the plans submitted and conditions imposed by this consent, except where minor changes are required to comply with the Building Code of Australia.**
- 2. Development in a general or medium bushfire prone area shall:**
 - Have a dedicated firefighting water supply of at least 5,000 litres to comply with Ministers Specification SA 78.**
 - Ensure that gaps between the dwelling floor and the ground are enclosed to prevent burning debris from entering.**
 - Be located and designed to minimise risk from bushfires.**

- Have access roads and tracks that are appropriately designed and built for entry and exit of vehicles, including fire fighting vehicles, during a fire.
3. The Applicant or Landowner shall apply and obtain the necessary approvals for a waste control system in accordance with the South Australian Public Health Act 2011, prior to obtaining Development Approval.
 4. Where a Private Certifier is engaged for Building Rules Consent, the Private Certifier is to provide Council with a certified statement to verify that the Building Rules Consent is consistent with the Development Plan Consent.
 5. Where no mains water is available, the gutters of the dwelling shall be connected to on-site rainwater storage tank(s) with a minimum capacity of 45,000 litres, reticulated to the dwelling and with appropriate connection to enable its use for firefighting purposes.
 6. Driveways, vehicle manoeuvring and parking areas shall be constructed of dolomite (or similar material) as a minimum, prior to occupation or use of the development herein approved. Such surfaces shall be maintained in a good and substantial condition at all times to the reasonable satisfaction of Council.
 7. All security lights and floodlights associated with the proposed development shall be shielded and adjusted so as not to create nuisance to adjacent occupants or road users.
 8. The land shall be suitably landscaped to the satisfaction of Council.
 9. Stormwater run-off, including surface stormwater generated by the development, shall be managed on site or directed to the street water table so as not to trespass on to adjoining properties, lie against any building or create unsanitary conditions. All associated works shall be to the satisfaction of Council.
 10. The first floor deck of the dwelling shall be fitted with fixed privacy screening as shown on the plans prior to the area being used and shall be maintained in good condition at all times.
 11. Coast Protection Board Conditions:
 - (a) The subject land is subject to a current coastal flooding hazard risk, likely to be exacerbated with sea level rise. A site level of 2.9 and a minimum finished floor level of 3.15 metres, Australian Height Datum (AHD) is required for the dwelling.
 - (b) Service facilities vulnerable to flooding are to be raised above finished floor level (i.e. electrical power outlets, switchboards, hot water systems, air conditioning units etc.).
 - (c) The building footings are to be suitably engineered to withstand seawater inundation and potential scouring.
 - (d) All stormwater design and construction shall ensure that stormwater does not adversely affect coastal land or the nearshore marine environment.
 - (e) Excavation and construction shall be carried out in a manner which minimises environmental impacts on the coastal landform.
 - (f) There is to be no encroachment of private structures on, or disturbances to, Crown land as a result of this development during or post-construction, including inappropriate landscaping.

- (g) Any imported substrate material or engineered fill shall be free of weeds and pathogens to ensure that noxious weed or contamination sources are not introduced into the coastal environment.

Notes

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

Accordingly, neither the Yorke Peninsula Council nor any of its servants, agents or officers accepts any responsibility for any loss of life and property that may occur as a result of such circumstances.

2. The granting of this consent does not absolve the applicant from obtaining all other consents which might be required pursuant to the provision of any other statutes or regulations.

3. **Coast Protection Board Notes:**

- (a) The applicant is advised that there may be a coastal flooding and erosion risk to the carport. The applicant and all subsequent owners shall accept the responsibility for any loss of this structure as a result to coastal processes.

- (b) Any landscaping should use local native coastal species, avoiding the spread of exotic plants on the coast. Natural Resources Northern and Yorke should be contacted if the applicant requires expert advice including the development of a suitable species list. General information can be found in the *Coastal garden – a planting guide for the Northern and Yorke coastal region* found on the following website:

1. <http://www.naturalresources.sa.gov.au/northernandyorke/get-involved/nrm-at-home>

- (c) The wastewater management system associated with the development should be designed and maintained to ensure there can be no seepage or overflow polluting the coastal or marine ecosystem.

- (d) The Board advises that based on current knowledge and information, the coastline at Sultana Point is considered to be susceptible to a coastal erosion hazard risk, which is expected to be compounded by sea level rise. Any future erosion mitigation measures at this location should be in accord with an authorised 'whole of settlement' erosion adaptation strategy.

NATURE OF THE DEVELOPMENT

The subject land has an existing two storey dwelling with a north facing balcony/deck and the application now before Council seeks to replace this dwelling on the site (*refer attachments 1 and 2*).

The nature of the development could not be considered as complying under Schedule 4, Part 1, 1 (1)(a) of the *Development Regulations 2008* given the altered footprint, location, layout and external appearance of the replacement dwelling when compared to the original building.

Under the provisions of the Coastal Settlement Zone in the Yorke Peninsula Council Development Plan, the list for Non-complying Development includes:

Form of development	Exceptions
Dwelling	<p>Except a detached dwelling that satisfies both of the following:</p> <p>(a) it will not result in more than one dwelling on an allotment</p> <p>(b) the building will not exceed 4.5 metres above natural ground level (excluding any elevation necessary for hazard minimisation from sea level rise).</p>

The proposal does not meet (b) above being higher than 4.5 metres above natural ground level, excluding the elevation required for hazard minimisation.

At this location, the site and building floor levels required for hazard minimisation are 2.9 metres Australian Height Datum (AHD) and 3.15 metres AHD respectively. The current site level is approximately 1.5 metres AHD and the overall height of the proposed dwelling will be at approximately 10.25 metres AHD. Taking the allowance for hazard minimisation into account, the proposal exceeds the 4.5 metre limit by approximately 2.6 metres.

Accordingly, the proposal has been assessed as non-complying development. Proceeding to assessment, a Statement of Effect was obtained in accordance with Section 39(2)(d) of the *Development Act 1993* (refer attachment 7).

DESCRIPTION OF THE PROPOSAL

The application seeks to replace an existing two storey dwelling albeit in a different location and with a different design (refer attachment 6).

The proposed new two storey dwelling will have a total footprint of 188.3 square metres with approximately 88 square metres devoted to deck/balcony areas to the north and west.

The applicant has opted to fill the site to the required level of 2.9 metres AHD (as per Table YoP/1 of the Development Plan) which will be managed with a combination of retaining walls and battering as appropriate. Consequently, the building floor level is proposed at 3.15 metres AHD and the overall height above natural ground level (including the fill) will be approximately 8.85 metres.

The external cladding will be a combination of Colorbond Cove (including the roof), Dune and SurfMist.

The proposed footprint of the new dwelling will be wholly contained within the building envelope as described in the Land Management Agreement (LMA) affecting the land (refer attachment 5).

SUBJECT LAND AND LOCALITY

The subject land is formally identified as Allotment 50 Deposited Plan 54888 in the area named Edithburgh, Hundred of Melville, as contained in the Certificate of Title Volume 5871 Folio 754. The land is more commonly known as 93 Sultana Point Road, Sultana Point (refer attachment 4).

The subject land is rectangular in shape and is one of three allotments somewhat separated from the rest of the settlement towards the eastern end of Sultana Point Road. It is 478 square metres in size with a road frontage of 24.96 metres and an average depth of around 19 metres.

An agreement under the Development Act 1993 pursuant to Section 57(1) (Land Management Agreement – LMA) exists over the land which details restrictions regarding future development, fencing, wastewater systems and native vegetation and includes a building envelope as well as an acknowledgement that the land may be subject to many risks such as seawater inundation and erosion (refer attachment 5).

The subject land is located within the Coastal Settlement Zone and surrounded by the Coastal Conservation Zone, as depicted in Zone Map YoP/19a (refer attachment 1).

The topography of the land is generally flat in relation to the road but rises more sharply towards the coastal boundary encompassing part of a remnant dune system.

At present, the site contains a rectangular shaped two storey dwelling of simple design with a very low-pitched skillion roof, garaging incorporated into the ground floor, a balcony and external stairs on the beach side. The wall height is modest at around 5.1 metres with the overall height not much higher given the low-pitched skillion roof (*refer attachment 2*).

The two properties immediately to the west are also two storey and of a similar construction. The land to the east is vacant and owned by the Minister for Environment.

The locality consists of other dwellings along the beach front, also in the Coastal Settlement zone, as well as residences on the other side of Sultana Point Road, in the Settlement Zone. The Coastal Conservation Zone, which virtually surrounds the three allotments at this location, is vegetated coastal land.

PUBLIC NOTIFICATION

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

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

Nil (0) representations were received.

CONSULTATION

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

The Coast Protection Board response (*refer attachment 8*) indicates no objection to the proposed development subject to a number of conditions and notes being applied to any development consent.

These conditions/notes mainly relate to:

- Achieving the required minimum site and building floor levels
- Designing the build/service facilities to withstand inundation and limit impacts on the coastal environment
- Ensuring no encroachment onto crown land
- Advising that a 'whole of settlement' protection strategy may be required at Sultana Point in the future
- A disclaimer referring to current and future risk

ASSESSMENT

Determination of whether the application is seriously at variance

Pursuant to Section 32(2) of the *Development Act, 1993*, the proposal has been assessed and is considered not be seriously at variance with the Yorke Peninsula Development Plan consolidated 31 October 2017.

Development Plan

The provisions of the Yorke Peninsula Council Development Plan consolidated 31 October 2017 applicable to the assessment of the proposed development are listed here:

Coastal Settlement Zone Provisions

Objectives: 1, 2, 3, & 4

Principles of Development Control: 1, 2, 3, 8, 9, 10, 11, 12 & 13

General Section ProvisionsCoastal Areas

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

Principles of Development Control: 1, 2, 3, 4, 5, 8, 9, 14, 17, 19, 20, 22, 24, 26 & 31

Crime Prevention

Objectives: 1

Principles of Development Control: 1 & 2

Design and Appearance

Objectives: 1

Principles of Development Control: 1, 2, 3, 4, 8, 12, 16 & 17

Energy Efficiency

Objectives: 1

Principles of Development Control: 2

Hazards

Objectives: 1, 2, 4 & 5

Principles of Development Control: 1, 2, 3, 4, 5, 8, 9 & 11

Infrastructure

Objectives: 1

Principles of Development Control: 5, 6 & 9

Landscaping, Fences and Walls

Objectives: 1

Principles of Development Control: 1, 2, 3 & 4

Natural Resources

Objectives: 1, 2, 5, 8, 6, 10, 12 & 13

Principles of Development Control: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 26, 27, 28, 28, 32, 33 & 38

Orderly and Sustainable Development

Objectives: 1, 3, 4 & 6

Principles of Development Control: 1 & 5

Residential Development

Objectives: 1 & 4

Principles of Development Control: 1, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 30 & 35

Siting and Visibility

Objectives: 1

Principles of Development Control: 1, 2, 4, 5 & 8

Transportation and Access

Objectives: 1

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

Waste

Objectives: 1 & 2

Principles of Development Control: 1, 2, 3, 4, 5, 7, 10, 11 & 13

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

Township: Sultana Point

Table YoP/4 – Design Guidelines for Coastal Dwellings

Components: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 19 & 20

Coastal Settlement Zone Provisions

Whilst the provisions of the Coastal Settlement Zone support the replacement of dwellings to improve the amenity of the area and assist with environmental upgrades, the replacement dwelling should not exceed one storey in height (other than where required to increase the elevation for inundation) and be set back a minimum of 4 metres from the seaward allotment boundary. The dwelling design should be simple in form with treatments to reduce the visual impact of the building and break up the mass of walls.

It is clear that the policies of the Coastal Settlement Zone do not support the current proposal height which is highlighted by the fact that it is listed as a non-complying form of development. However, there are a number of factors which warrant further consideration in this instance.

Firstly, the existing dwelling (to be demolished) is already two storey in nature and the adjacent dwelling as well as the next dwelling to the west are also two storey. These three dwellings are somewhat separated from the rest of the settlement and have no dwellings directly behind them. The closest dwellings with a view of these three dwellings from behind are some distance away with Coastal Conservation zoned land in between them.

When considering the view from the beach, the existing dwelling is partially blocked by a remnant sand dune system which softens its appearance. Even with the anticipated increase in height, the visibility of the dwelling will be limited and not considered imposing.

Although the proposed dwelling is not set back 4 metres from the seaward allotment boundary as is required by the Development Plan, it is wholly within an agreed building envelope as identified in a Land Management Agreement which has a setback of 3.0m to 3.4m. The Coast Protection Board did not raise objection to the 3 metre setback from the seaward boundary.

The design of the proposed dwelling has incorporated simple roof lines and natural colours to assist it to blend in with the environment.

Finally, the Wastewater system will be upgraded with a new septic tank to connect to the existing Community Waste Management Scheme in accordance with the desired outcomes of the zone policies.

Nevertheless, the proposed dwelling will be substantially higher (in excess of 3 metres higher) than the existing building, which is partially due to the requirement to raise the site and building levels for hazard minimisation from sea level rise.

The overall height of the proposal, therefore, is a major consideration in this assessment.

General Section Provisions - Coastal Areas

The Coastal Areas provisions seek to protect and enhance the natural coastal environment as well as manage development so that any future protection measures can be avoided or designed with minimal impact on the environment or involvement of public expenditure.

The proposed development at Sultana Point is in a vulnerable location and may require a 'whole of settlement' protection strategy in the future to manage the effects of sea level rise, climate change and coastal processes.

However, a number of measures, specifically addressing coastal issues, have been incorporated into the assessment process and are as follows:

- Minimum site and building floor levels for hazard minimisation from sea level rise as per the Development Plan have been met
- A referral to the Coast Protection Board for the latest, most up-to-date advice has been undertaken with no objection to the proposal subject to conditions
- The dwelling will be designed to withstand inundation
- A Land Management Agreement (LMA) which acknowledges risk is already in place
- The development is set back from the coastal boundary to locate protection works on private land (if not wholly, then partially)

It is not unusual for the above measures to be implemented to enable development along the coast in more vulnerable locations.

General Section Provisions - Crime Prevention

The proposed development has opportunities for surveillance towards the road, the beach and the coastal land to the east as per the policies.

General Section Provisions - Design and Appearance

The design principles of the Yorke Peninsula Council Development Plan seek to foster development which is articulated, having visual interest and elements to reduce the overall bulk and to assist it being sympathetic to the locality and the context of its setting.

Even though the overall height of the proposed two storey dwelling will be considerable given the need for the site to be raised for hazard minimisation for sea level rise, it is not entirely out of context. The two storey nature of the dwellings on the three allotments has already established the acceptance of taller development in this area.

The design elements of the proposal include balconies, verandahs and varying materials and colours to provide visual interest and adequately breaks up the mass of the walls. The colours and materials of the ground floor will be different to that of the first floor with horizontal cladding providing relief from the width when viewed from the street.

General Section Provisions - Energy Efficiency

The majority of the windows and living spaces will face generally north which is favourable for making the most of the winter months and supports the policies.

General Section Provisions - Hazards

Hazards identified for this site are flooding and bushfire as the land is vulnerable to coastal processes and is in the General Bushfire Risk area as shown on the Bushfire Protection Area Maps of the Yorke Peninsula Council Development Plan.

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

It is argued that, as the proposed dwelling meets the levels prescribed for hazard minimisation from sea level rise and will be built to withstand inundation, that it is adequately protected. In addition, it is clear the owners are willing to take on any associated risks given they have entered into an agreement with the Minister acknowledging the risks and have also accepted the findings of the report from the Coast Protection Board.

The plans also incorporate a 5000 litre dedicated rainwater tank for fire-fighting as per the *Minister's Code: Undertaking development in Bushfire Protection Areas*.

General Section Provisions - Infrastructure

Rainwater tanks comprising 45,000 litres are included in the proposal to provide an adequate on-site water storage system for the development in an area with no water supply as per the policies.

The proposal has access to a Community Wastewater Management Scheme and includes the installation of the corresponding infrastructure (septic tank).

General Section Provisions - Landscaping, Fences and Walls

A recommended note for inclusion on any approval by the Coast Protection Board pertains to landscaping using local native species, with special attention given to avoiding the spread of exotic plants on the coast. A landscaping and planting plan was submitted with the application and forwarded to the Coast Protection Board as part of the referral process. The species identified for planting include Coast Velvet-Bush, Coast Daisy Bush, Nodding Saltbush and Native Pigface.

No fences are proposed and walls are in the form of retaining walls of minimal height combined with battering to achieve the minimum site level.

General Section Provisions - Natural Resources

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

The dwelling proposes water catchment to service the dwelling by way of rainwater tanks with the overflow directed towards the street.

Even though the surrounding land has coastal vegetation, the allotment itself does not appear to be overly vegetated. The intent to plant native species on the allotment is a welcome inclusion.

The ability to build with minimal disturbance and modification of the natural landform here is hampered by the compulsion to raise the site for hazard minimisation for sea level rise.

General Section Provisions - Orderly and Sustainable Development

The subject land is within the Coastal Settlement Zone which is identified as suitable for residential development. The replacement dwelling does not jeopardise the existing or future uses of adjacent land.

General Section Provisions - Residential Development

The siting and design of the proposed dwelling enables surveillance and addresses the street with a clearly visible entrance. There are no significant overshadowing issues as the southern boundary is on the roadside.

The wall closest to the adjoining residential land to the west is staggered and has a balcony area extending towards the boundary. The balcony and verandah area is setback 2 metres from the side boundary and is fitted with privacy screening to manage the direct overlooking onto the private open space of the adjoining property.

These measures should limit the impact of the development when viewed from the adjoining property as well as afford a level of privacy. It is noted that no representations were made against the proposal from the adjoining land owners.

Undercover car parking is catered for under the balcony area and is incorporated into the design without any sense of being dominant as an individual element.

General Section Provisions - Siting and Visibility

Again, the policies of this section seek to minimise the visual impact of development in the landscape and whilst the proposal will be quite tall, efforts have been made to soften its appearance through the use of design elements, colours and materials. It can be argued that the existing two storey development already formed part of the sky-line in this location and that the replacement dwelling will only be marginally higher.

General Section Provisions - Transportation and Access

The development has access from an all weather public road and provides for off street parking in accordance with the policies.

General Section Provisions - Waste

A septic tank and connection to a Community Waste Management Scheme complying with the relevant public and environmental health legislation is proposed for the allotment, satisfying the provisions of the Development Plan.

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

A minimum site level of 2.9 metres AHD and a minimum building floor level of 3.15 metres AHD has been achieved to meet the requirements.

Table YoP/4 – Design Guidelines for Coastal Dwellings

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

As previously discussed, the proposed development does not meet the height restrictions but is fully contained within the building envelope, is of subdued colours and has architectural detailing.

However, these guidelines also include an additional design parameter for two storey dwellings, stipulating that the second storey component should be a maximum of 50 per cent of the floor area of the ground floor as well as a maximum 50 per cent of the frontage. In addition, balconies and first floor decks should not exceed 15 square metres. The proposal does not comply with these two guidelines.

In general, these two particular guidelines do not appear to have been rigorously adhered to in this coastal area as dwellings, which have been designed to take advantage of the sea views with generous balcony areas and frontages, more common place. Therefore, the proposed two storey design will not be out of character at Sultana Point.

CONCLUSION

If the proposal to replace the existing dwelling simply involved a single storey construction of 4.5 metres raised to the appropriate level for hazard minimisation from sea level rise, it would likely obtain approval without much issue. This building would have been a total of around 6.2 metres above natural ground level and be slightly taller than the existing two storey building. With this in mind, it is apparent that many of the policies of the Development Plan can either be met or have acceptable measures in place to enable development at this location.

Therefore, the issue which has triggered the non-complying application process for this application in the first place, is the very issue which must be most considered. Is it acceptable to replace an existing two storey dwelling with another slightly higher two storey dwelling even though it will actually be much higher on the landscape as a result of the requirement to raise the site for sea level rise? The proposed two storey replacement dwelling has a modest overall height of 7.2 metres but will have the building floor level raised some 1.7 metres causing the building to be a total of around 8.8 metres above natural ground level.

Whilst it is argued the building has been designed to include articulation and has colours to soften its appearance on the landscape, the design option of reducing the second storey footprint to 50 per cent as per the guidelines of *Table YoP/4 – Design Guidelines for Coastal Dwellings* has not been employed in this instance.

The key factors then, when considering the overall height for an application of this design, is potentially its location as well as the previous built form. The site is one of three allotments already containing two storey dwellings, seemingly set apart from much of the settlement and surrounded by coastal vegetation as well as some remnant dune systems. In this location the additional height above a proposal which would have been assessed on merit is not considered to be significant enough to warrant refusal.

The most affected land is likely to be the adjacent property to the east which accommodates an existing two storey dwelling albeit much lower than the new one proposed for next door. It is noted that no representations against the proposal were made during the public notification period and that development at a similar height could also be a possibility on this allotment in the future.

All other policies of the Development Plan have generally been met with minor variations and are considered acceptable.

Therefore, when assessed against the relevant policies of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal on balance, satisfies the relevant provisions of the Development Plan.

The proposal is not harmful to the desired character of the zone and is not considered to have a detrimental impact upon the amenity of the adjoining properties in the locality. Accordingly, it is my conclusion that the proposal warrants the granting of Development Plan Consent subject to conditions of consent.

ATTACHMENTS

- 1. Locality Map**
- 2. Site Visit Photos**
- 3. Application Form**
- 4. Certificate of Title**
- 5. Land Management Agreement**
- 6. Proposed Plans**
- 7. Statement of Effect**
- 8. Coast Protection Board Report**

10 MATTERS DEFERRED

Nil

11 ERD COURT MATTERS

Stuart Palecek (on behalf of Bohm) 544/1152/2018

12 CONCURRENCE APPROVALS

Nil

13 PROCEDURAL MATTERS

Update on the extension of time granted to the Council Assessment Panel.

14 NEXT MEETING

23 July 2019

15 CLOSURE