25 February 2015

NOTICE OF MEETING

NOTICE is hereby given of the following Meeting to be held in the Council Chambers, 131 Belair Road, Torrens Park as follows:-

- Development Assessment Panel Meeting will be held on Thursday, 5 March 2015 commencing at 6.30 pm.

A light supper will be provided at the conclusion of the meeting.

CRAIG HARRISON
DIRECTOR DEVELOPMENT AND COMPLIANCE
AGENDA
FOR
DEVELOPMENT ASSESSMENT PANEL
TO BE HELD ON
THURSDAY, 5 MARCH 2015
COMMENCING AT 6.30PM
MEETING OF THE DEVELOPMENT ASSESSMENT PANEL TO BE HELD IN THE COUNCIL CHAMBERS, 131 BELAIR ROAD, TORRENS PARK ON THURSDAY, 5 MARCH 2015 AT 6.30PM.

MEMBERSHIP: Gavin Lloyd-Jones (Presiding Member), Richard Woods, Iris Iwanicki, Andrea Thompson, Karen Hockley, Andrew Tilley and Nicholas Economos

PRESENT:

APOLOGIES:

STAFF IN ATTENDANCE:

CONFIRMATION OF MINUTES:

That the minutes of the Development Assessment Panel meetings held 5 February 2015 be confirmed.

INDEX

BUSINESS

1. PUBLIC HEARING ONLY

   NIL

2. NON-COMPLYING

   2.1 74 TURNERS AVENUE, HAWTHORNDENE
       DA 080/1059/2013

   2.2 19 WEEMALA DRIVE MITCHAM, MITCHAM
       DA 080/731/2014

   2.3 1-3 SALISBURY CRESCENT, COLONEL LIGHT GARDENS
       DA 080/163/2014
3. CATEGORY 3 NOTIFIED APPLICATIONS
   NIL

4. DEFERRED ITEMS (FROM PREVIOUS MEETINGS)
   NIL

5. CATEGORY 2 NOTIFIED APPLICATIONS
   NIL

6. APPLICATIONS EXEMPT FROM NOTIFICATION
   6.1 171 SHEPHERDS HILL ROAD, EDEN HILLS
        DA 080/1233/2014
   6.2 12A LOWAN AVENUE, GLENALTA
        DA 080/1663/2014
   6.3 11 WAITE STREET, BLACKWOOD
        DA 080/1703/2014

7. STATE AND CROWN
   NIL

8. APPEALS - UPDATE
   8.1 APPEALS UPDATE AS AT 25 FEBRUARY 2015

9. REPORTS FROM OFFICERS
   NIL

10. REPORTS OUTSTANDING, RESOLUTIONS NOT YET AFFECTED AND DELEGATED APPLICATIONS TO ADMINISTRATION
    10.1 REPORTS OUTSTANDING, RESOLUTIONS NOT YET EFFECTED AND DELEGATED APPLICATIONS TO ADMINISTRATION AS AT 25 FEBRUARY 2015
11. QUESTIONS ON NOTICE
   NIL

12. QUESTIONS WITHOUT NOTICE
   NIL

13. OTHER BUSINESS
   NIL

14. CONFIDENTIAL

CLOSE

CRAIG HARRISON
DIRECTOR, DEVELOPMENT & COMPLIANCE
74 Turners Avenue HAWTHORNDENE

DEVELOPMENT PROPOSAL: UNDERTAKE EARTHWORKS (CUT/FILL) (RETROSPECTIVE)
APPLICANT: MS J TERP
APPLICATION NO: 080/1059/2013
LODGEMENT DATE: 20/01/2014
ZONE: HILLS FACE ZONE
APPLICATION TYPE: NON-COMPLYING
PUBLIC NOTIFICATION: CATEGORY 3
REFERRALS: DEVELOPMENT OFFICER - ENGINEERING
PREPARED BY: MICHAEL GATES
DEVELOPMENT OFFICER - PLANNING
DEVELOPMENT PLAN: 14 APRIL 2012

RECOMMENDATION

Development Plan Consent be GRANTED subject to conditions and concurrence from the Development Assessment Commission.

BACKGROUND

This application is presented to the Panel for a decision in accordance with Council Policy - Development Control 03.04 - Applications for Determination by the Development Assessment Panel due to the application being a non-complying, category 3 form of development that has an unresolved representation wanting to be heard by the Panel.

RELEVANT PREVIOUS APPLICATIONS

<table>
<thead>
<tr>
<th>APPLIC. NO</th>
<th>DESCRIPTION</th>
<th>DECISION</th>
</tr>
</thead>
<tbody>
<tr>
<td>080/1526/2011</td>
<td>BOUNDARY REALIGNMENT</td>
<td>APPROVED</td>
</tr>
<tr>
<td>080/591/2009</td>
<td>INSTALL SHIPPING CONTAINER FOR STORAGE</td>
<td>APPROVED</td>
</tr>
<tr>
<td>080/589/2009</td>
<td>VARY DA 080/1560/2008 – CHANGES TO EXCAVATION AND FILL OF SITE</td>
<td>LAPSED</td>
</tr>
<tr>
<td>080/1654/2008</td>
<td>DEMOLISH PART OF BUILDING</td>
<td>APPROVED</td>
</tr>
<tr>
<td>080/2008/1653</td>
<td>CONSTRUCT TENNIS COURT LIGHTS, FENCING &amp; ASSOCIATED EARTHWORKS</td>
<td>WITHDRAWN</td>
</tr>
<tr>
<td>080/1560/2008</td>
<td>CONSTRUCT DWELLING ADDITION, VERANDAH, CARPORT AND BASEMENT</td>
<td>APPROVED</td>
</tr>
<tr>
<td>080/1820/2007</td>
<td>CONSTRUCT A VERANDAH</td>
<td>APPROVED</td>
</tr>
</tbody>
</table>

DESCRIPTION OF THE PROPOSED DEVELOPMENT

This application is for the retrospective approval for earthworks comprising of excavation and associated filling of land. The excavation is to the northern side of the dwelling and has a maximum cut of approximately four metres in height and comprises of an area twenty metres in length of twelve metres wide. The area has been excavated to allow for more level private open space area in close proximity to the dwelling. This area will be extensively landscaped to stabilised the cut.
The fill area is located to the south of the dwelling and covers an area of approximately 850 square metres, with a maximum height of approximately three metres. The fill comprises the soil that was excavated during the construction of the dwelling additions. Extensive landscaping is to be planted along the exposed faces of the fill.

For further information relevant to the proposed development, refer Attachment A.

PUBLIC NOTIFICATION

The application is a Category 3 form of development pursuant to Section 38 of the Development Act 1993 as the proposal is non-complying and the earthworks is of a scale that is not considered to be of a minor nature.

The following lodged representations as a result of the public notification:

- 56 Olave Hill Road Upper Sturt – Support
- 72 Turners Avenue Hawthorndene – Support with concerns*

Representors marked with an * wish to be heard in support of their representation.

Summary of concerns:
- Potential slippage of fill and damage to property

A copy of the representation and the applicant’s response is contained in Attachment B.

REFERRALS

The application has been referred to Council’s Development Officer – Engineering for assessment of the compaction certificate. The compaction has been confirmed as stable meeting the relevant Australian Standard required. A copy of the referral comments is contained in Attachment C.

ASSESSMENT

Seriously at Variance

Pursuant to Section 35(2) of the Development Act, 1993 the proposal is not seriously at variance with the Mitcham (City) Development Plan.

Development Plan

The subject land is located within the Hills Face Zone as described in the City of Mitcham Development Plan.
The main provisions of the Development Plan that relate to the proposed development are as follows:

**Council Wide Provisions**

Objective(s) 13, 14, 15

Principle(s) of Development Control 2, 3, 6, 16,

**Zone Provisions**

Objective(s) 1

Principle(s) of Development Control 1, 2, 28

**Nature of Development**

Principle of Development Control 28 of Hills Face Zone lists the following kinds of development as non-complying within the Zone:

*Filling where the height of filling of land exceeds 1.0 metres above natural ground level except for underground homes, underground tanks and cellars*

As the fill exceeds one metre in height the application is a non-complying form of development. It was acknowledged that although the proposal is defined as non-complying development, the proposal has been deemed to display sufficient merit as to warrant a comprehensive assessment to be undertaken given the large land holding and the undulating nature of the locality.

**Statement of Effect**

Regulation 17 of the Development Regulations 2008 requires in relation to most non-complying applications the provision of a 'statement of effect' that must include:

(a) A description of the nature of the development and the nature of its locality; and

(b) A statement as to the provisions of the Development Plan which are relevant to the assessment of the proposed development; and

(c) An assessment of the extent to which the proposed development complies with the provisions of the Development Plan; and

(d) An assessment of the expected social, economic and environmental effects of the development on its locality; and

(e) Any other information specified by the relevant authority when it resolves to proceed with an assessment of the application (being information which the relevant authority reasonably requires in the circumstances of the particular case), and may include such other information or material as the applicant thinks fit.

A 'statement of effect' has been provided for this application and is contained within **Attachment A**.

The statement prepared by Ms Jodie Terp has assessed the merits of the proposal against the requirements of Regulation 17. The Statement has addressed the relevant Council Wide Principles of Development Control and the Hills Face Zone
Provisions in arguing why this development is considered appropriate despite the development exceeding the allowable height of fill.

The statement also addresses the relevant material set out by Regulation 17 of the Development Regulations 2008 in regards to social, environmental and economic impacts demonstrate sufficient planning merit to justify the proposal. The statement is considered to be a sufficient assessment of the proposal giving additional commentary as to the benefits of the proposal.

Social, Economic and Environmental Effects

As this development application is for earthworks limited to the site, the overall social, economic and environmental impacts of the development are limited to the allotment, the owner and the one adjacent dwelling to the south.

The social impact of the earthworks is to allow for increased areas of level ground in close proximity to the dwelling for private recreational purposes.

There are not considered to be any economic impacts from this development other than retaining the soil on site reduced the costs of the house renovations.

There are not considered to be any significant environmental impact as a result of the earthworks. The development will result in the revegetation of the embankments to retain the fill and the open and natural character of the area. The soil from the excavation has been retained on site that reduced the need for trucks to remove the fill from the site.

In assessing the merits or otherwise of the application the primary planning issues have been assessed relevant to the Development Plan under the following subheadings.

Land Use

The earthworks are considered to be ancillary to the existing residential use and do not result in any additional land use on the site. The proposed development does not alter the existing residential use that is considered appropriate for the Zone.

Subject Site/Locality

The subject site is located on the eastern side of Turners Avenue, just south of the intersection with Tallarook Road. The subject site is an irregular shaped allotment with an area of 28.2 hectares. The subject land is undulating and largely undeveloped with the exception of the dwelling that is located near Turners Avenue.

The locality is split into two distinct areas. West of Turners Avenue is the Residential (Hills) Zone that is characterised by detached dwellings on large allotments characteristic of suburban development within the Hills area. To the east of Turners Avenue is the Hills Face Zone that is characterised by very large allotments with minimal development areas and large amount of open space comprising of grassland area and areas of large native trees.
Aerial photo showing the subject site marked in blue
Aerial photo showing the site in blue and locality marked in red
Close up aerial of the development area, the area of excavation is shaded in black, whilst the area of fill is shaded in red.
Aerial photo of the site taken in 2008
Aerial photo of the site taken in 2009

Area of Cut

Area of Fill
Aerial photo taken of the site in 2010

**Desired Character**

The Hills Face Zone does not include a desired character statement but provides a general statement on how development should be undertaken with the Zone. The statement makes specific reference that development should maintain the unique character of the Zone and should re-establish the natural character.

The statement also seeks that existing development should not be seen as a precedent and that each development should be assessed on the extent that it preserves and enhances the natural character. The earthworks have minimal visual
impact on the locality given their location and allows for additional landscaping to be undertaken.

This proposal is considered not to be at odds with this statement, as the soil has been retained on site, and planting and battering has been used to retain the soil rather than retaining walls. The development is considered to maintain and re-establish the natural character of the Zone and therefore is in accordance with the preferred type of the development for the Zone.

**Built Form**

The proposed earthworks are a continuation from the 2008 application that granted approval for dwelling additions. The excavation to the northern side of the dwelling is to allow for more private open space that is in close proximity to the dwelling. The fill is a result of the excavation that occurred to make way for the additions and no additional fill was brought onto the site.

The proposed earthworks both fill and excavation is sufficiently setback from the street as to not be visible from the street. The finished level of the excavated area sits approximately four metres above street level. The level ground area of the fill also sits approximately four metres above street level. When considered with the vegetation along the street verge and at the front of the site, the areas of earthworks are screened and not visible from the street.

**Impact on amenity**

The main impact of the development is the location of the fill in relatively close proximity with the neighbouring property to the south. As such, the neighbour raised objections to the proposal during the category 3 notification process. The concerns raised relate to potential slippage of the fill and the damage that this slippage might cause.

In response to these concerns the applicant has provided a compaction certificate that suitably demonstrates that the fill is appropriately compacted and will not cause damage due to failure of the battering. The certificate also includes an aerial photo showing the location of where the fill was tested.

To assist in stabilising the fill, landscaping is proposed along the face of the fill as well as the face of the cut. The landscaping will also assist to minimise the visual scar that has resulted from the earthwork. To date only self seeding landscaping has occurred.

Principle of Development Control 2(c) for the Hills Face Zone seeks that exposed slopes resulting from earthworks are landscaped to preserve and enhance the natural character of the area. Whilst none of the proposed landscaping species chosen are listed in Table Mit/2, they are considered reasonable for the area and will maintain the areas open and natural character. It is noted that there is a reasonable amount of native species that have self-seeded on the face of the batter slopes that has already started to reduce the visual impact of the fill.

On balance the amount of earthworks proposed is confined to a relatively small portion of the site and will allow for greater use of the site for the occupants of the
dwelling. The overall impact to the streetscape and character of the Hills Face Zone is considered to be minor and the visual impact of the works will be minimised by the landscaping. It is also noted that importantly the earthworks will not be visible from the Adelaide Plains. Therefore the proposal is considered to be in accordance with Principle 2 for the Zone.
Photo showing the excavation area from the street

Photo showing the top of the fill area
Photo showing the embankment of the fill

Photo showing the northern end of the embankment
CONCLUSION

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality, it is considered that the proposal on balance satisfies the relevant provisions of the Development Plan even though the development exceeds the prescribed standard for fill in the Hills Face Zone.

The development has had minimal impact on vegetation on the site and is not expected to have an adverse effect on the environmental condition of the site. The works are not visible from the street, nor the Adelaide Plains and maintains the unique open and natural character of the Hills Face Zone.

The proposal is considered to be reasonably consistent with the character sought for the Zone, notwithstanding that the works are non-complying. The proposal will not detrimentally impact upon the amenity of the adjoining properties within the locality. Accordingly, the proposal warrants Development Plan Consent subject to conditions and concurrence of the Development Assessment Commission.
RECOMMENDATION

A. The proposed development is not seriously at variance with the relevant Development Plan.

B. That the application by Ms J Terp to UNDERTAKE EARTHWORKS CUT/FILL (RETROSPECTIVE) at 74 Turners Avenue HAWTHORNDENE as detailed in Development Application No: 080/1059/2013 be GRANTED Development Plan Consent subject to concurrence of the Development Assessment Commission and the following conditions of consent:-

(1) The proposal must be developed in accordance with the details submitted to the Council and approved plans relating to Development Application Number 080/1059/2013 except where varied by the following conditions.

   Reason: To ensure the proposal is established in accordance with the plans and details submitted

(2) The proposed landscaping must be established on the site in accordance with the approved plan within six (6) months of Development Approval being granted and must be maintained in good condition at all times. Any such landscaping must be replaced if it dies or becomes seriously diseased.

   Reason: To maintain and enhance the visual amenity of the locality in which the subject land is situated

Notes

(1) Any future proposed building works to be undertaken on the area of fill will be subject to testing in accordance with AS 3798 “Guidelines for Earthworks for Commercial and Residential Developments” to ascertain its suitability.
19 Weemala Drive MITCHAM

<table>
<thead>
<tr>
<th>DEVELOPMENT PROPOSAL:</th>
<th>CONSTRUCT A SPLIT LEVEL POLE FRAME DWELLING, DECKING, OUTBUILDING (STUDIO) &amp; CARPORT (FORWARD OF THE DwELLING) AND ASSOCIATED EARTHWORKS (NON-COMPLYING)</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT:</td>
<td>MS J A COVENTRY &amp; MR M QUINQUIS</td>
</tr>
<tr>
<td>APPLICATION NO:</td>
<td>080/731/2014</td>
</tr>
<tr>
<td>LODGEMENT DATE:</td>
<td>08/07/2014</td>
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<tr>
<td>ZONE:</td>
<td>HILLS FACE ZONE</td>
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<td>APPLICATION TYPE:</td>
<td>NON-COMPLYING</td>
</tr>
<tr>
<td>PUBLIC NOTIFICATION:</td>
<td>CATEGORY 3</td>
</tr>
<tr>
<td>REFERRALS:</td>
<td>COUNTRY FIRE SERVICE (CFS), DEVELOPMENT OFFICER - ENGINEERING, HORTICULTURE UNIT</td>
</tr>
<tr>
<td>PREPARED BY:</td>
<td>CASSIA MILTON DEVELOPMENT OFFICER - PLANNING</td>
</tr>
<tr>
<td>DEVELOPMENT PLAN:</td>
<td>13 FEBRUARY 2014</td>
</tr>
</tbody>
</table>

RECOMMENDATION

Development Plan Consent be GRANTED subject to conditions and the concurrence of the Development Assessment Commission.

BACKGROUND

This application is presented to the Panel for a decision in accordance with Council Policy - Development Control 03.04 - Applications for Determination by the Development Assessment Panel due to the application being a non-complying application subject to Category 3 notification and that the carport is located forward of the main face of the dwelling.

PREVIOUS APPLICATIONS

Nil

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal involves the construction of single-storey detached dwelling constructed on pole frame, and a detached carport and studio building constructed forward of the dwelling. The floor plan of the dwelling consists of three bedrooms (main with ensuite and walk in robe), study and a large open plan kitchen, dining and lounge room and a large deck area located at the front.

The external façade is to be constructed of a mixture of rendered Hebel in the colour “Dune”, Scyon Matrix feature panels in the colour “Ironstone” and Colorbond sheeting in “Woodland Grey”. The roof of the dwelling is of a skillion design and constructed of Colorbond in the colour “Woodland Grey”. The windows are to be anodised aluminium and the decking to be constructed of Merbau decking material.
The detached carport and studio will be located forward of the proposed dwelling. The carport has a dimension of six by six metres to create a floor area of 36 square meters. This is sufficient to cater for the undercover parking of two vehicles. The attached studio has a dimension of 4.4 metres by six metres and will be used as a rumpus room/art studio area associated with the main dwelling. Access to the dwelling is provided by an existing cross-over from Weemala Road.

Due to the steep topography of the site, earthworks will be required for the construction of the driveway and for the siting of the dwelling. The dwelling has been designed to complement the fall of the land and the extent of cut is limited to a maximum of 1.4 metres.

In terms of stormwater management, a stormwater detention basin is proposed to cater for the overflow from two 22,500 Litre tanks to be sited underneath the floor level of the dwelling. One of these tanks will be used as a designated water supply for bushfire requirements and the other to capture stormwater from the dwelling. This tank has also been designated as being plumbed back into the dwelling to be used within the bathroom and laundry areas.

The following development statistics are applicable to the development application;

<table>
<thead>
<tr>
<th>REQUIREMENT</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE AREA</td>
<td>N/A in HFZ</td>
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<tr>
<td></td>
<td>2,635m²</td>
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<tr>
<td>FRONTAGE</td>
<td>N/A in HFZ</td>
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<tr>
<td></td>
<td>21.30m</td>
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<td>DEPTH</td>
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<td>SITE COVERAGE</td>
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<td>7.5%</td>
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<tr>
<td>IMPERVIOUS COVERAGE</td>
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<td></td>
<td>15%</td>
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<tr>
<td>PRIVATE OPEN SPACE</td>
<td>20%</td>
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<td>&gt;20%</td>
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<tr>
<th>SETBACKS</th>
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<tr>
<td>- PRIMARY STREET</td>
<td>Average of Adjoining = 13m</td>
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<td></td>
<td>38m to dwelling, 10m to studio</td>
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<tr>
<td>- SIDE</td>
<td>1m/3m</td>
</tr>
<tr>
<td></td>
<td>2.508m/5.8m</td>
</tr>
<tr>
<td>- REAR</td>
<td>5m</td>
</tr>
<tr>
<td></td>
<td>9.7m</td>
</tr>
<tr>
<td>- GARAGE / CARPORT</td>
<td>1m behind main face</td>
</tr>
<tr>
<td></td>
<td>20m in front</td>
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<tr>
<td>UPPER STOREY - BUILDING ENVELOPE</td>
<td>Primary mass within Figure R/1 (CWPDC 19(e))</td>
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<tr>
<td>MAX HEIGHT</td>
<td>8m / 2 Storey</td>
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<td></td>
<td>8.2m</td>
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</table>

For further information relevant to the proposed development, refer Attachment A.

PUBLIC NOTIFICATION

The application is a Category 3 form of development pursuant to Section 38 of the Development Act 1993 and Section 17 of the Development Regulations 2008 given that the application is a non-complying form of development.
The following lodged representations as a result of the public notification:
- 17 Weemala Drive, Mitcham (opposed)*

The representors marked with a (*) have elected to be heard by the Panel in relation to their concerns.

A summary of concerns:
- Visibility of the rainwater tanks;
- Design of the pole frame dwelling;
- Stormwater Management;
- Wall height above ground level; and
- Siting of studio not consistent with the pattern of development within Weemala Drive.

A copy of the representor concerns and the applicant's response is contained in Attachment B.

REFERRALS

External

The application was referred to the CFS pursuant to Schedule 8 of the Development Regulations 2008 given that the site is located within a high bushfire risk area and involves the construction of a new dwelling. No concerns were raised regarding the proposal by the CFS and standard conditions requested to be imposed should Council grant consent for the proposal pertaining to access, water supply and vegetation management on site.

Copy of comments, refer Attachment C.

Internal

Development Officer - Engineering

Council's Development Officer – Engineering has reviewed the plans and is satisfied with the design of the dwelling, driveways and stormwater management on what is a difficult site.

Horticulture Unit

Given the extent of vegetation on the site and the earthworks required to be undertaken, the application was referred to Council's Horticulture Unit to provide comment. They have advised that the majority of the trees located on the site and nominated for removal are predominately Aleppo Pines and Olive trees. There are only a few indigenous species of Grey Box tree located at the top of the site that have been suppressed by the growth of the pine trees. The Aleppo Pines and Olive trees are considered to be a weed species in the Mitcham Hills.
The Horticulture Department are supportive of the removal of the pest species from the block, and advised that the proposed landscaping plan is appropriate in stabilising the earthworks required and revegetating the site.

A full copy of the relevant reports are attached, refer Attachment D.

ASSESSMENT

Seriously at Variance

Pursuant to Section 35(2) of the Development Act, 1993 the proposal is not seriously at variance with the Mitcham (City) Development Plan.

Development Plan

The subject land is located within the Hills Face Zone as described in the City of Mitcham Development Plan.

The main provisions of the Development Plan which relate to the proposed development are as follows:

Council Wide Provisions
Objective(s) 3, 4, 5, 8, 10, 12, 13, 17
Principle(s) of Development Control 2, 3, 6, 7, 16, 17, 18, 19, 20, 21, 22, 24, 26, 31, 33, 37, 40, 149, 181, 187, 188, 190

Zone Provisions
Objective(s) 1, 2
Principle(s) of Development Control 1, 2, 3, 4, 7, 8, 9, 11, 15, 16, 28

In assessing the merits or otherwise of the application the primary planning issues have been assessed relevant to the Development Plan under the following subheadings.

Nature of Development

Principle of Development Control 28 of Hills Face Zone lists the following kinds of development as non-complying within the zone:

“Detached dwelling or additions to, or conversion of, an existing detached dwelling where:

(b) the scale and design is such that:
   (i) the vertical distance between any point at the top of any external wall and the finished ground level immediately below that point on the wall exceeds three metres, other than gable ends of the dwelling where the distance exceeds five metres;

As the proposed dwelling is pole-framed in its design and elevated from natural ground level, the maximum vertical wall height from finished ground level
immediately below that point was calculated to be 7.5 metres. As a result the application is non-complying when assessed against the provisions of Council’s Development Plan.

Statement of Effect

Regulation 17 of the Development Regulations requires that in relation to non-complying application which are not deemed to be minor in nature that applicants must provide a statement of effect which must include:

a. a description of the nature of development and the nature of its locality;
b. a statement as to the provisions of the Development Plan which are relevant to the assessment of the proposed development;
c. an assessment of the extent to which the proposed development complies with the provisions of the Development Plan;
d. an assessment of the expected social, economic, and environmental effects of the development on its locality; and
e. any other information specified by the relevant authority when it resolves to proceed with an assessment of the application (being information which the relevant authority reasonably requires in the circumstances of the particular case) and may include such other information or material as the applicant sees fit.

A statement of effect prepared by Phillip Brunning & Associates was provided by the applicant for the proposed dwelling. Refer to Attachment E.

The support outlined in is considered to have sufficient planning merit to justify the merits of the proposal. The planning consultant considers the design style and construction technique (being a dwelling constructed on pole-framing) acceptable and to be consistent with the policy intent of the Zone, notwithstanding that the application is non-complying.

Social, Economic and Environmental Effects

The Statement of Effect and addresses the relevant material set out by Regulation 17 of the Development Regulations 2008 in regards to social, environmental and economic impacts to demonstrate that the proposal has sufficient planning merit, and warrants Development Plan Consent being granted.

As the proposal is for the construction of a new detached dwelling to be used as a private residence, the overall social, economic and environmental impacts of the development are limited to the allotment, the owners and the adjoining dwellings.

The social impacts are limited, however it is considered that the development of the site for residential purposes is beneficial for the community in that the site can be developed for residential purposes in an area already services by appropriate infrastructure and services.

The economic effects are minimal other than that the construction of the dwelling will require the employment of trades people. There are considered to be economic benefits to the applicant in designing the dwelling to be constructed on pole framing given that it will reduce construction costs. The Statement of Effect provided by the
applicant correctly summarises that the site is unlikely to be suitable for any other uses consistent with the Objectives of the Hills Face Zone such as horticulture due to the gradient of the land, the limited allotment size and the site being entrenched within a residential area.

It is considered that the site will benefit from the construction of the dwelling in regards to the environmental impacts. The development will facilitate the clearance of pest tree species and the revegetation of the site with plantings more consistent and appropriate for the Mitcham Hills environment. The earthworks have been minimised with the batter and cut slopes being appropriately revegetated. In addition, the stormwater management plan for the site will allow for the capture of stormwater from the roof of the dwelling and structures for re-use within the building and on-site. As such the environmental impacts are considered to be beneficial.

It is deemed that the proposed development is considered to have no major social, economic and environmental consequences and will facilitate the efficient development and use of a currently vacant site.

**Land Use**

The subject land is situated within the Hills Face Zone wherein Objectives 1 and 2 seek to ensure that new development undertaken within the Zone preserves and enhances or re-establishes the areas natural character. Principle of Development Control 1 of the Zone specifically limits new development to low-intensity agricultural activities, a public open space or private use of an open character, or a detached single storey dwelling. Such development should include native landscaping.

The proposed development is a single storey dwelling (albeit elevated) that has been designed to maximise the space around the building and from the street. Landscaping has also been incorporated within the design to ensure that the proposal is consistent with re-establishing the natural character of the area. As such the dwelling is considered to sufficiently accord with the objectives and policy intent expressed by the Hills Face Zone, and is considered an appropriate form of development.

**Subject Site/Locality**

The subject land is located on the north-eastern side of Weemala Drive, approximately 400 metres south of the intersection with Old Belair Road. The site has a frontage of 21.39 metres to Weemala Drive, a depth of 105.21 metres and a total site area of approximately 2,635 square metres. The allotment displays similar characteristics to other residential sites within the locality. The topography of the land is extremely steep with a fall of some 24 metres from the rear of the site to the front property boundary. The site is a vacant allotment that has resulted in the site becoming overgrown with self-seeded vegetation of inappropriate pest species.
View of the subject land from Weemala Drive

The land and surrounding locality is heavily vegetated and given the size of the allotments and the steep gradients of the sites there is a large separation between buildings and structures that contributes to its unique character. The open and highly vegetated sites, topography of the land and dwellings constructed with varying street setbacks are distinguishing features of the locality.
Locality of 19 Weemala Drive, Mitcham

View of Weemala Drive looking North-West
Another factor that contributes to the character of the area is the location of the Zone boundaries in relation to the subject land. The site at 19 Weemala Drive is located within the Hills Face Zone, however the property at 17 and all those properties to the west back towards Old Belair Road are located within the Residential (Foothills) Zone. The requirements in terms of building design is vastly different between the two areas. As a result the dwellings located within the Residential (Foothills) tend to be significantly cut into the site with much greater wall heights and bulk than the designs sought by the Hills Face Zone. A map demonstrating the extent of the Zone boundaries is demonstrated below.

![Map of Zone Boundaries](image)

**Hills Face Zone**  
**Residential (Foothills) Zone**

*Aerial photograph demonstrating the different Zoning within the locality*

**Desired Character**

The Development Plan does not include a Desired Character Statement for the Hills Face Zone, however it does include a statement as to identify the key characteristics of the Zone and sets the desire for future development.

The following is an excerpt taken from the Hills Face Zone objectives in the Development Plan;

“*The western slopes of the Mount Lofty Ranges in metropolitan Adelaide are an important natural asset to both the population of the urban area and the tourism industry. Development which is undertaken in this zone should not only preserve but should also enhance the natural character of the zone or assist in the reestablishment of a natural character.*
The term "natural character" refers to the natural topography, native vegetation and colours, such as greens and browns of non-reflective earthen tones, normally associated with a natural landscape. Additionally, natural character refers to the open character of the land in those areas of the zone where open grazing currently predominates. Thus, existing buildings should not be seen as setting a precedent when assessing the impact of a proposed development. Each development should be assessed on the extent to which it preserves and enhances the natural character or, more importantly, assists in the re-establishment of a natural character, rather than on the basis of a comparison with existing development in its locality.

The proposed development, whilst having a wall height exceeding three metres, and therefore non-complying, will not negatively impact on the natural character of the area. The dwelling will not impact on the Hills Face when viewed from the Adelaide Plains as the site is located in an area that would not be readily visible. The dwelling has been designed to minimise impacts to the fall of the land. Being pole-framed in design will maintain the visual permeability and the space around the buildings that are characteristics of the Zone. As a result the proposal is not considered to be at odds with the character statements for the Hills Face Zone.

**Built Form / Pattern of Development**

**Design of Dwelling**

Principle of Development Control 8 of the Hills Face Zone states that buildings should be designed in such a way and be of such a scale as to be unobtrusive and not detract from the desired natural character of the zone and in particular:

a) Buildings should be of a single storey;
b) The profile of buildings should be low and the roof lines should complement the natural form of the land;
c) The mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land;
d) Large eaves, verandahs and pergolas should be incorporated into designs so as to create shadowed areas which reduce the bulk appearance of buildings; and

e) The mass of buildings should be minimised by having separate vehicle storage areas.

The proposed dwelling is modern in terms of its design, with skillion roof forms and extensive fenestration to all elevations of the dwelling. The construction of the dwelling, carport and studio is consistent with the built form and pattern of development of the locality that displays a mixture of dwelling styles and building materials. The dwelling has been well designed in that the bulk of the building has been broken up by the use of pole-framing and the variations to the wall and roof lines as sought by the above provision. The skillion roof, whilst adding to the overall height of the building, results in a wide eave width which creates a perception of areas of light and shade across the building. The carport and studio building is detached from the dwelling which minimises the massing of the building forms.
The external façade is to be constructed of a mixture of rendered Hebel in the colour “Dune”, Scyon Matrix feature panels in the colour Ironstone and Colorbond sheeting in “Woodland Grey”. The roof of the dwelling is of a skillion design and constructed of Colorbond in the colour “Woodland Grey”. The windows are to be anodised aluminium and the decking to be constructed of Merbau decking material. These colours are considered to be consistent with Principle of Development Control 9 of the Hills Face Zone that seeks that colour and materials are of a low-light reflective nature and are of dark, natural colours.

**Setbacks**

Council Wide Principle of Development Control 18 and Table Mit/7 requires that new buildings and structures maintain the streetscape appearance by complementing the setback of adjacent buildings. The average front setback of the adjoining buildings is determined to be 13 metres. The dwelling being setback 38 metres from the front property boundary more than sufficiently complies with this requirement. The carport and studio however, is setback only 10 metres from the front property boundary and located forward of the dwelling. In this case the setback of the dwelling and the carport/studio are considered to be acceptable given the context of the locality and the variety of different setbacks of buildings and structures evident along Weemala Drive.

As can be seen by the aerial photograph above, Weemala Drive does not have a streetscape character that is derived from consistent street setbacks. The origins of
the buildings being setback at varying distances is likely to be as a result of a combination of factors including maximising views and the practicality of locating dwellings and buildings on the flattest areas of the site. It is considered that the pattern of development that has derived from these factors contributes to the area's character. Given the above factors the setbacks of the proposed buildings are not considered to be detrimental to the application and are generally consistent with the pattern of development in the locality.

The side setback of the dwelling to the allotment boundaries comply with Council Wide Principle of Development Control 19 that seek a one metre setback on one side and three metres on the other.

**Height**

Given that the dwelling is constructed on pole framing and designed with a skillion roof form, the proposed dwelling has a maximum height of 8.2 metres above ground level. This is at variance with Council Wide Principle of Development Control 26 that seeks a maximum height of 8 metres and the provisions of the Hills Face Zone that buildings should be of a single storey and wall heights should not exceed three meters.

Given the steep topography of the land and the pattern of built form within the locality it is more important to consider the qualitative requirements of the Hills Face Zone that seeks to achieve a reduction in the visibility of the building as well of the bulk and scale of the dwellings and buildings within the Zone. The varying room forms and architectural features such as the extent of glazing, pole-frame design and decking ensure that the apparent bulk of the building when viewed from Weemala Drive will not be excessive. The proposed dwelling will also not be at odds with the other building forms along Weemala Drive, where most of the dwellings are bulky two-storey dwellings located closer to the front property boundary than what is proposed on the subject land.

On balance and having specific regard for the location of the dwelling additions and the site in the context of the Hills Face Zone it is considered that the proposed dwelling sufficiently accords with the relevant Principles of Development Control within Council's Development Plan and the intent of the provisions for the Hills Face Zone.

**Earthworks**

Given the sloping terrain, earthworks are required for the construction of the dwelling and the driveway areas. The extent of cut required on the site has been significantly reduced by the dwelling being mounted on pole frames. As a result the dwelling requires a maximum cut of 1.4 metres which will be undertaken at the very rear of the dwelling. This is considered to comply with Council Wide Principle of Development Control 24 states that earthworks should not exceed 1.5 metres in height, and is being undertaken where proposed landscaping and the built form of the dwelling will screen the extent of earthworks undertaken. The extent of earthworks is also considered appropriate when assessed against Principle of Development Control 2 of the Hills Face Zone the proposal also ensures that the excavation/filling has been kept to a minimum and will not dramatically alter the natural form of the land.
Solar Access

Council Wide Principle of Development Control 31 envisages that dwellings are designed to optimise the use of passive solar energy by maximising ventilation and minimising solar gain in summer and by maximising solar penetration and minimising heat loss in winter.

The design of the skillion roof form ensures that there is sufficient shading to the east and west elevations of the dwelling. Whilst the majority of the useable areas of open space are designed to be on the front (western) elevation, the open plan living areas and the study have access out to the north, and are also provided with large windows to capture this light. As such the proposal is considered appropriate when assessed against these solar access principles.

Impact on Amenity

Principle of Development Control 8 of the Hills Face zone delineates the qualitative characteristics which should be incorporated into the design of buildings to minimise bulk and to reduce the dominance of buildings.

It is deemed that the colour schedule provided by the applicant accords with Principle of Development Control 9 of the Hills Face Zone that seeks colour schemes of dark, natural colours that are non-reflective so as to be visually unobtrusive. The proposed colours and materials are considered to accord with the provisions of the Hills Face Zone.

Privacy

Given the generous setbacks of the dwelling from all property boundaries and the siting of the dwelling on the allotment, there is considered to be no adverse impacts to the amenity of neighbouring residential properties in terms of overshadowing or in a visual sense. In terms of privacy the locality is unique in that solid fencing between properties is not used, and reciprocal overlooking exists between the dwellings. The benefit of this arrangement and the staggered setbacks of the buildings along Weemala Drive create greater separation between buildings and structures. Given the steep topography of the land obscured glazing or screening is not considered to be effective given that views to neighbouring properties can be obtained to private land wherever the occupants are on the site.

Visual amenity

The owners of 17 Weemala Drive, raised concerns regarding the design of the pole framed dwelling, and that the rainwater and bushfire tanks will be located under floor level and be highly visible. There was also a concern raised that the pole-framed design gives the appearance of the dwelling being temporary in nature. Whilst the concerns of the neighbours are acknowledged it is considered that the current design of the dwelling is consistent with those guiding Principles of the Hills Face Zone. The dwelling and the tanks will be setback from Weemala Drive by more than 38 metres, and as such the amenity of the area is not considered to be unduly compromised. Given the site is located within a High Bushfire Risk Area it is not possible for the under-side of the dwelling to be screened or externally clad as this creates an area where embers can become trapped. A condition of consent has been included to
ensure that the under-side of the dwelling must be kept clear of debris and must not be used for the storage of materials other than the stormwater and bushfire tanks.

Traffic and Parking

Council Wide Principle of Development Control 21 and 22 require that the proposed development has regard to the safety of vehicles accessing the site and surrounding properties whilst making adequate provision for car parking on the site.

There is an existing cross over from Weemala Drive that will be used as part of the driveway access to the property. Given the slope of the land, significant negotiations were undertaken between the applicant and Council’s engineering department to ensure that the driveway grades were suitable to allow for safe and convenient movements into and out of the site.

In terms of car parking Council Wide Principle of Development Control 21 requires that two on-site car parking spaces are provided for the dwelling. Provision is made as part of this proposal for two covered spaced within the carport and a number of visitor parks available within the existing driveway.

Bushfire Protection

The application has been referred to the SA Country Fire Service in accordance with Section 37 of the Development Act 1993. The CFS has no objection to the proposed development provided that certain bushfire protection and prevention requirements are met. It is considered that the design is appropriate and existing areas related to access and water supply currently meet the CFS requirements. The conditions recommended by the CFS have been included as conditions of consent. It is considered that the proposal meets the Council Wide Principle of Development Control 191 and 192 that seeks that the proposal will result in the removal of inappropriate vegetation that has the possibility of being a bushfire risk and have a dedicated water supply for bushfire fighting purposes. Whilst the dwelling is located on steep terrain and towards the upper area of the allotment, there are few alternatives for the siting of the dwelling that avoids this issue, without resulting in an increase in the extent of cut and fill that will be required. The proposal is considered to comply with the relevant provisions of the Minister’s Code: Undertaking development in Bushfire Protection Areas in accordance with Council Wide Principle of Development Control 198. Given that the CFS supports the application and the design reasonably accords with the provisions of Council’s Development Plan it is considered appropriate.

Landscaping

As previously mentioned the majority of the existing vegetation on the site will be removed to allow for the construction of the dwelling and the driveway areas. Whilst the existing trees (Aleppo Pines and Olive) are mature specimens, they are also pest species that are not worthy of retention. The applicant has submitted a landscaping plan that demonstrates how the site will be re-vegetated following the works being undertaken on site. The landscaping comprises mainly lower level shrubs and grasses to be planted along the side boundaries of the site as well as around the studio/carport and the stormwater retention basis. The shrubs and grasses consist of native and indigenous species and considered appropriate for the Hills Face Zone.
The landscaping plan has been reviewed by Council’s Horticulture Department which have determined that the proposed landscaping plan is suitable for the site. As such the proposal is considered to comply with Council Wide Principle of Development Control 154 in that the landscaping has been incorporated as an integral part of the design of the development and consistent with the primary objective of the Hills Face Zone.

Stormwater and Engineering

A civil site works plan has been submitted that provides for the on-site management of stormwater from roof area and impervious surfaces. Rain water tanks are proposed to sit underneath the dwelling within the void created by use of the pole-frame design. The overflow from both the stormwater and bushfire tanks is nominated as being directed to the street water table. The stormwater tank will also be plumbed back into the dwelling and will be utilised to maintain the landscaping surrounding the dwelling. The applicant has amended the design to remove a stormwater detention basin that was previously proposed and the source of one of the concerns of the neighbouring property. Council’s Development Officer – Engineering has reviewed the stormwater management plan and has advised that it meets Council’s stormwater requirements based on the size of the allotment and the gradient of the land. As such it is considered that the proposal sufficiently accords with Council’s requirements and Council Wide Principle of Development Control 40 which seeks to minimise concentrated stormwater from the site.

The site is located on the high side of Weemala road. The finished floor levels of the dwelling have been set at a mid-point of the slope where the dwelling will be sited. Due to the slope of the land the dwelling will sit 20 metres higher that than the adjacent street level and as a result suitable protection from peak stormwater events is provided.

CONCLUSION

The design of the dwelling is considered to be appropriate on what is a difficult and constrained site. The dwelling is generously set back from the front property boundary and is mounted on pole frames that not only reduces the visibility of the building when viewed from the road, but also reduces the extent of cut and fill required to be undertaken. Similarly the carport and studio is designed to complement the fall of the land and is detached from the dwelling to reduce the bulk of the building. There is limited vegetation on site that is worthy of retention, and this proposal will ensure that the site is appropriately re-vegetated and cleared of pest plant species. The proposal is considered to be consistent with the Objectives and Principles of Development Control of the Hills Face Zone.

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal on balance satisfies the relevant provisions of the Development Plan. The proposal is broadly consistent with the key characteristics set out for the Zone and will not detrimentally impact upon the amenity of the adjoining properties of the locality. Accordingly, the proposal warrants Development Plan Consent subject to conditions and the concurrence of the Development Assessment Commission.
RECOMMENDATION

A. The proposed development is not seriously at variance with the relevant Development Plan.

B. That the application by Ms J A Coventry & Mr M Quinquis to CONSTRUCT A SPLIT LEVEL POLE FRAME DWELLING, DECKING, OUTBUILDING (STUDIO) & CARPORT (FORWARD OF THE DWELLING) AND ASSOCIATED EARTHWORKS (NON-COMPLYING) at 19 Weemala Drive MITCHAM as detailed in Development Application No: 080/731/2014 be GRANTED Development Plan Consent subject to the following conditions of consent and the concurrence of the Development Assessment Commission:

(1) The proposal must be developed in accordance with the details submitted to the Council and approved plans relating to Development Application Number 080/731/2014 except where varied by the following conditions.

Reason: To ensure the proposal is established in accordance with the plans and details submitted

(2) All works detailed in the approved plans and required by any condition of approval must be completed prior to the occupation of the development.

Reason: To ensure that all works and conditions are completed in a timely manner

(3) The underside of the dwelling shall remain clear of debris and rubbish and must not be used for the storage of materials apart from the Bushfire and Stormwater tanks nominated on the stamped approved plans.

Reason: To maintain the visual amenity of the locality

(4) The proposed landscaping must be established on the site in accordance with the approved plan prior to the occupation of the building and must be maintained in good condition at all times. Any such landscaping must be replaced if it dies or becomes seriously diseased.

Reason: To maintain and enhance the visual amenity of the locality in which the subject land is situated

(5) All exposed faces of cut and/or fill must be:

a) rounded off to match and blend with the natural contours of the land;

b) covered with approximately 100mm of topsoil immediately after excavation;

c) seeded to avoid erosion and visual concern within 6 months of the site being excavated.
Reason: To maintain the visual amenity of the locality in which the subject land is located

(6) The studio building approved must only be used for private domestic purposes associated with the dwelling on the subject land and must not be used as a dwelling in its own right.

Reason: To maintain the amenity of the locality and ensure that the building is not used for a non-complying use within the zone

BUSHFIRE PROTECTION CONDITIONS AS IMPOSED BY CFS

(7) ACCESS (to dwelling)

The Ministers [Bushfire] Code Part 2.3.3.1 describes the mandatory provision for 'Private' roads and driveways to buildings, where the furthest point to the building from the nearest public road is more than 30 metres, shall provide safe and convenient access/egress for large Bushfire fighting vehicles.

- CFS has no objection to the proposed driveway access as shown on the development plans provided the access is constructed in accordance with the Ministers [Bushfire] Code part 2.3.3.1 – plans noted as “DREW EDWARDS DESIGN; Client COVENTRY & QUINQUIS; SITE PLAN sheet 01a & sheet 01b; dated 04/07/2014”.

(8) VEGETATION

Landscaping shall include bushfire protection features which will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property. Refer to the Ministers [Bushfire] Code Part 2.3.5

- CFS notes no landscaping details provided.

(9) WATER SUPPLY

The Ministers [Bushfire] Code Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for firefighting. Ministers Specification SA78 prescribes the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister’s Specification SA78:

- A minimum supply of 22000 litres of water shall be available at all times for bushfire fighting purposes.
- The dedicated fire-fighting water supply shall be clearly identified and shall be accessible to fire-fighting vehicles at all times.
• The water storage facility (and any support structure) shall be constructed of non-combustible material.

• The dedicated fire-fighting water supply shall be pressurised by a pump that has –
  o A minimum inlet diameter of 38mm, AND
  o Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
  o A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.

• The dedicated fire-fighting water supply pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. An ‘Operations Instruction Procedure’ shall be located with the pump control panel.

• The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.

• All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.

• All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.

• A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the dwelling).

• All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.

• All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.

• All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.

• All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.

• All fire-fighting hoses shall be readily available at all times.

• CFS has no objection to the proposed dedicated fire-fighting water supply location as shown on the development plans provided the driveway access complies with the Code – plans noted as “DREW EDWARDS DESIGN; Client COVENTRY & QUINQUIS; SITE PLAN sheet 01a & sheet 01b; dated 04/07/2014”.

**Note**

**BUILDING CONSIDERATIONS**

Refer to the Building Code of Australia Part 3.7 “FIRE SAFETY” for construction requirements and performance provisions.
Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but its intent is to provide a 'measure of protection' from the approach, impact and passing of a bushfire.

(10) Stormwater connections to the street water table, must be in accordance with Council’s Engineering Detail SD-600, Sheet 19. Pipes through the Council verge area must be constructed of galvanized steel, not PVC. Trench reinstatements beneath the footpath area must be in accordance with Council’s Engineering Detail SD-600 Sheets 14 B & 15 B.

Reason: To comply with Council policy and to ensure uniformity with stormwater connections from the property boundary to the kerb and gutter.

(11) Stormwater must be disposed of in such a manner that it does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.

Reason: To provide adequate protection against the possibility of stormwater inundation to neighbouring properties.

(12) Temporary debris and sediment control measures must be installed to ensure debris, soil, soil sediments, and litter are maintained within the construction site. Debris, soil, soil sediments, and litter from the construction site must not enter Council’s drainage system, Council’s road network, or neighbouring properties.

NOTE: Pollution prevention measures must be in accordance with the Environmental Protection Authority’s “Stormwater Pollution Prevention Codes of Practice”;

- For the Community;
- For Local, State and Federal Government; and
- For the Building and Construction Industry

Reason: To inform owners, developers, builders etc of their obligation in regard to the environment and to the appropriate measures of stormwater disposal from building sites.

(13) Stormwater and driveways located on the high side of a road must be collected at the front boundary of the property and discharged via the household stormwater system to the road water table. Stormwater from the driveway within the property must not be allowed to discharge over the footpath or nature strip to the road.

Reason: To prevent stormwater sheeting across the verge and roadway and causing a hazard to pedestrians and motorists etc.
(14) All earthworks associated with the development must be stabilized in accordance with standard engineering design and practices against erosion and failure.

**NOTE:** The applicant is reminded that earthworks must not encroach across neighbouring property boundaries.

*Reason:* To ensure that all necessary measures are undertaken to stabilize all earthworks on site

(15) Driveway gradients must be constructed with a maximum grade of 20% (1:5) (Desirable 16.7% (1:6)) in accordance with Council’s Engineering Detail SD-600, Sheet 10.

*Reason:* To comply with Council policy and AS2890.1:2004

(16) The driveway must be constructed and sealed with bound material (asphalt, pavers, or concrete etc.) appropriate to the grade, providing both structural integrity and traction in both wet and dry conditions. The use of unbound materials (gravel, or quarry rubble) is not permitted due to the steep grades of the driveway.

*Reason:* To ensure appropriate materials are used in driveways to provide sufficient traction to those driveways identified as being excessively steep

(17) New residential driveway crossover(s) must be constructed in accordance with Council’s Engineering Detail SD-600, Sheets 8, 9 & 10.

**NOTE:** An application to construct an invert/crossover in a public street must also be lodged with Council.

*Reason:* To comply with Council standard invert/crossover construction specifications for residential driveways

**NOTES**

(1) Any portion of Council’s infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council’s satisfaction at the developer’s expense.

*Reason:* To ensure any damage to Council’s infrastructure is reinstated
1-3 Salisbury Crescent COLONEL LIGHT GARDENS

<table>
<thead>
<tr>
<th>DEVELOPMENT PROPOSAL:</th>
<th>CONSTRUCT A STORE 95 SQUARE METRES FOR THE PURPOSES OF STORING VEHICLES &amp; ASSOCIATED PERSONAL ITEMS (NON-COMPLYING)</th>
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<tbody>
<tr>
<td>APPLICANT:</td>
<td>MR P R KRUGER</td>
</tr>
<tr>
<td>APPLICATION NO:</td>
<td>080/163/2014</td>
</tr>
<tr>
<td>LODGEMENT DATE:</td>
<td>11/02/2014</td>
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<tr>
<td>ZONE:</td>
<td>STATE HERITAGE AREA (COLONEL LIGHT GARDENS)</td>
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<td>PUBLIC NOTIFICATION:</td>
<td>CATEGORY 3</td>
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<td>REFERRALS:</td>
<td>STATE HERITAGE UNIT, DEVELOPMENT OFFICER - PLANNING</td>
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<td>DEVELOPMENT PLAN:</td>
<td>19 APRIL 2012</td>
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RECOMMENDATION

Development Plan Consent be GRANTED.

BACKGROUND

This application is presented to the Panel for a decision in accordance with Council Policy - Development Control 03.04 - Applications for Determination by the Development Assessment Panel due to the proposed development being a Non-Complying form of development.

PREVIOUS APPLICATIONS

<table>
<thead>
<tr>
<th>APPLIC. NO:</th>
<th>DESCRIPTION</th>
<th>DECISION</th>
</tr>
</thead>
<tbody>
<tr>
<td>080/16/2011</td>
<td>Change in the use from hydroponics shop to coffee shop and internal alterations</td>
<td>Approved</td>
</tr>
<tr>
<td>080/179/2014</td>
<td>Vary Condition 2 of DA 080/16/2011 to allow outdoor seating and dining (retrospective).</td>
<td>Approved</td>
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</tbody>
</table>

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant wishes to construct a storage shed at the rear of the existing café for the storage of private motor vehicles and associated personal items. The store is to be used by the owner of the subject land and will be used separately from the existing café use at the front of the land. The store is to be 12.2 metres long by 7.814 metres wide by 3.048 metres high.

The proposed store will be clad in pre-painted metal sheets in custom orb profile. The colour of the sheeting to clad the store will be Colorbond© Marino wall cladding and Colorbond© Manor Red roof cladding.

For further information relevant to the proposed development, refer Attachment A.
PUBLIC NOTIFICATION

The application is a Category 3 form of development pursuant to Section 38 and Schedule 9 of the Development Act and Regulations, in that it is for a Non-Complying land use that is neither listed as Category 1 or 2 within Schedule 9 and is not considered to be minor.

The following lodged representations as a result of the public notification:

- 6 Tidworth Crescent, Colonel Light Gardens - Support
- 4 Ludgate Circus, Colonel Light Gardens - Opposed

None of the representors wish to be heard before the Panel in support of the representations.

A summary of concerns:

- Heritage character;
- Traffic; and
- Car parking

A copy of the representor concerns and the applicant’s response is contained in Attachment B.

REFERRALS

The application has been referred to the Department of Environment and Natural Resources State Heritage Unit who support the proposal and have raised no concerns.

Copy of comments, refer Attachment C.

ASSESSMENT

Seriously at Variance

Pursuant to Section 35(2) of the Development Act, 1993 the proposal is not seriously at variance with the Mitcham (City) Development Plan.

Development Plan

The subject land is located within the State Heritage Area (Colonel Light Gardens) zone as described in the City of Mitcham Development Plan.

The main provisions of the Development Plan which relate to the proposed development are as follows:

*Council Wide Provisions*

Objective(s) 9, 10, 11, 19, 20, 21, 22
In assessing the merits or otherwise of the application the primary planning issues have been assessed relevant to the Development Plan under the following subheadings.

Nature of Development

Zone Principle of Development Control 53 lists a number of different kinds of development as non-complying within the Zone, one of which is a ‘store’. As the proposal is for the construction of a shed for the storage of private vehicles and associated personal items on an allotment containing an existing café, the proposed structures use is considered to be a store, and therefore considered to be a non-complying form of development as listed under Zone Principle of Development Control 53.

Statement of Effect

Regulation 17 of the Development Regulations 2008 requires that in relation to most non-complying applications the provision of a 'statement of effect' must be provided that addresses the following criteria;

(a) A description of the nature of the development and the nature of its locality; and
(b) A statement as to the provisions of the Development Plan which are relevant to the assessment of the proposed development; and
(c) An assessment of the extent to which the proposed development complies with the provisions of the Development Plan; and
(d) An assessment of the expected social, economic and environmental effects of the development on its locality; and
(e) Any other information specified by the relevant authority when it resolves to proceed with an assessment of the application (being information which the relevant authority reasonably requires in the circumstances of the particular case), and may include such other information or material as the applicant thinks fit.

A 'statement of effect' has been provided for this application and is contained within Attachment A. The statement of effect is considered to suitably address the criteria for a statement of effect as list under Regulation 17 of the Development Regulations 2008.

Social, Economic and Environmental Effects

As the development is for the storage of private domestic vehicles, it has little social impacts on the locality surrounding the subject site. It does however play a part in the preservation of old motor vehicles that contribute to the state’s history and social gatherings of car enthusiasts.
The proposal will provide a small injection of funds into the economy, through the sale and erecting of the structure.

The proposed development is considered to have no significant environmental effects beyond the site, with the only impact being the collection and use of rainwater on the subject site. This is being dealt with through the requirement to have an onsite rainwater tank that is plumbed appropriate to contain some detention and retention of stormwater.

The proposal is therefore considered to have no detrimental social, economic or environmental impacts.

Land Use

The subject site currently contains an existing café located within the shop at the front of the site. The rear portion of the site is vacant land that the owner has been storing vehicles and other personal items on. The proposal is for the construction of a storage shed on this rear portion of the site, to be used for the storage of the owner’s private collection of vehicles and other associated personal items. The proposed use as a store is considered to be consistent with the non-residential use of the site, and with the storage of private vehicles complimentary of the surrounding residential outbuilding uses. Zone Principle of Development Control 3 seeks that non-residential development should be located on sites that already contain non-residential uses. While the proposed use is not commercial in nature and is for the storage of domestic type vehicles, it is not linked to a residential dwelling and is therefore it is appropriate for the use to be located on a site that is already occupied by non-residential uses. The proposed use is therefore considered to be consistent with the intent of the Development Plan.

Notwithstanding the justification outlined above, Zone Principle of Development Control 53 lists a ‘store’ as a non-complying form of development or use of the land. The intent of the Development Plan in listing stores as non-complying, is considered to be on the grounds that generally a commercial type store would not be compatible in its size, form and impacts and is more appropriately located within a commercial or industrial zone. The proposed use is for the storage of domestic type items (domestic vehicles), is not commercial in nature and is consistent with the residential uses surrounding. The built form is also not generally of a form that ordinarily would be required by a commercial storage activity, and is complimentary of the surrounding residential uses. The proposal is considered to be more akin to a residential use than a commercial storage use, which would infer that the use does not fall within what the Development Plan considers as inappropriate for the locality.

Subject Site/Locality

The subject site is depicted below in the ‘Site Map’, with the site being regular in shape and having a frontage to Salisbury Crescent of 10.67 metres and a depth of 48.11 metres. The site is bounded by a right of way lane way that runs along the entire length of the north western and rear boundaries. The site currently contains a group of shops that extends over allotments 284 and 285. Two of the four shop tenancies are located on the subject land, with the tenancies occupied by a café as an amalgamated double tenancy. The rear portion of the subject site is currently
vacant land that is fenced with pre-painted custom orb corrugated profile metal sheeting. The proposed storage shed will be located over a portion of the vacant land to the rear of site.

The locality is outlined below and is considered to contain primarily the residential area that is bounded by Ludgate Circus to the northwest, Grange Road to the north, Tidworth Crescent to the northeast, Kandahar Crescent to the south east and the residential dwellings on the southwestern side of Salisbury Crescent. The locality is characterised primarily by detached dwellings on reasonably large allotments, with rear access via existing laneways. The area enjoys a relatively open character with
varied setbacks, large rear yards and Salisbury Crescent having a wide road reserve area with a solid landscaped medium strip. The locality is characterised by mature street trees and landscaped front yards. Due to the large allotment sizes the locality has numerous large outbuildings and structures in rear yards. The proposed storage shed is complimentary and consistent with the locality, and is considered to not be detrimental to the amenity of the locality.

Localities Map

Locality Map

Subject Site

Locality

Desired Character

The State Heritage Area (Colonel Light Gardens) Zone, contains an ‘Existing and Desired Character’ statement, as well as a ‘Statement of Heritage Value’. The Zone seeks to maintain the historic value of the area as a suburb that exemplifies the Garden City concept, a town planning theory of the early 20th century. The Zone is considered to contain a relatively homogenous style of residential architecture of primarily workingman’s houses developed from the Californian Bungalow. The key aspects of the locality that the Zone seeks to maintain and reinforce are primarily to do the road and allotment layout, the wide landscaped verges, open landscaped front yards and the park like setting.
Given the existing non-residential use of the land and the location of the proposed store at the rear of the shops, the proposed store will not be highly visible from the street and is considered to be consistent with the use of the site and complimentary of the locality. Given the Zone’s focus on the streetscape and road reserve areas, the proposed development of a store is not considered to be detrimental to the Existing or Desired Character and will not detrimentally impact on the heritage value of the area. The proposal has been considered by the State Heritage Unit, who has confirmed that the proposal will not be detrimental to the Desired Character.

Heritage

The proposal has been assessed by the State Heritage Unit who have determined that the proposed development is acceptable and will have minimal impact on the State Heritage Areas for the following reasons:

- The store is to be located at the rear of the existing shops
- The visual impact will be on the laneway and Salisbury Crescent
- It is of an appropriate form, scale and detailing.

The proposal is considered to be consistent with the State Heritage Area, is located on a non-residential site and has been designed in accordance with the requirements that seek to maintain the visual and built form values of the State Heritage Area, with the proposal considered to be consistent with Zone Principles of Development Control 1, 3, 4 and 7.

Built Form / Pattern of Development

Built Form

The proposed store is to be located at the rear of subject site, one metre from the rear boundary, 2.87 metres from north western boundary, 19.01 metres from the rear of the existing café building and on the boundary with allotment 285 that contains the other two shops in the row. The storage shed is to be 12.2 metres long, 7.814 metres wide and have a 3.048 metre high wall height. The store is to have a 25 degree pitched roof, with a total height of 4.87 metres to the pitch of the roof. The store will be clad in pre-painted custom orb corrugated profile metal sheeting, with the walls to be Colorbond© Marino colour and the roof to be Colorbond© Manor Red colour.

The store is not considered to be an outbuilding as it is not associated with a residential dwelling, but is a storage shed on a site with an existing café and is to be used primarily for the storage of vehicles not in association with the café use currently existing on the land. Despite the store not being an outbuilding, Zone Principle of Development Control 4 seeks that new development should be compatible with the surrounding residential allotments. The proposed store is considered to be complimentary of the surrounding built form and is considered to be consistent with Zone Principles of Development Control 8 and 9 in that it is located behind the existing shops, does not impact on the appearance of the site from the street and maintains space between buildings. The height and width of the proposed store is consistent with other surrounding structures, with only the length of the structure being slightly longer than the surrounding residential outbuildings. The floor area of the proposed store is 95.3 square metres, which is considered to be
reasonable given surrounding residential outbuildings of 60 to 80 square metres, with the proposal therefore considered to be consistent with Zone Principle of Development Control 4.

Pattern of Development

The proposed store is considered to be consistent with the pattern of development within the locality in that it maintains space between buildings and boundaries. Despite the fact that the proposed store is proposed to be built to the side boundary of the allotment, this boundary is common with the allotment that contains the other two shops that form part of the row of shops on the subject site. There is still space between all buildings on both allotments. The setbacks from the laneway are also consistent with the pattern of development that existing in the locality. The proposed development is therefore considered to be consistent with Zone Principle of Development Control 9.

Impact on Amenity

Visual

The proposed development is not considered to significantly impact on the amenity of the locality or on the heritage significance of the State Heritage Area. The location of the storage shed means that its impacts will be on the service lane and not on Salisbury Crescent. Its location on a non-residential allotment means that the size of the structure is considered to be acceptable, with the design and scale of the proposed store to be relatively consistent with the locality. Due to the design of the store, its location and proximity to the street, the proposal is considered to have limited impact on the amenity of the locality. The proposal will see some existing cars and other items stored within the shed, which are currently stored on the site and covered with tarpaulins. The storage of these items within the proposed storage shed, will improve the visual appearance of the site and provide a tidier appearance to the surrounding residential allotments.

The proposed store will be constructed and clad using custom orb corrugated profile pre-painted sheets with the colour of the store to be walls in ‘Merino’ and the roof in ‘Manor Red’. The colours and profile of the sheeting used is consistent with the heritage character of the area and will contribute positively to the visual amenity of the locality.

Noise

The proposed store is to be used for the storage of private motor vehicles, with no crash repairs or major mechanical work to occur on the site. The storage shed is purely to get the vehicles out of the weather and protected from further deterioration. As the proposal is for storage only, there will be little to no noise associated with the use of the new store other than what would be ordinarily associated with a typical residential use. The proposal therefore considered to have no impact on the amenity of the locality by way of noise. The use of the site for a non-commercial store is considered to be a low impact use that is highly compatible with the surrounding residential uses.
Traffic and Parking

The construction of the storage shed is to be used for the storage of the owner’s personal automotive collection and associated items. As the proposal is not for a commercial use, it will generate very limited traffic, with mainly just the owner accessing the site in their personal vehicle/vehicles. This will not change from the current circumstances, as the owner has some of the vehicles already stored at the rear of the site. Council does not encourage an increase in traffic accessing the laneway, with the proposed use being considered a very low traffic generating use. The proposed development is not considered to generate any additional or adverse traffic within the locality or any requirement for onsite car parking. This area is currently not use for parking or in association with the café, and therefore will not change the parking arrangements for the land.

Access

Access to the storage shed will be via the right of way laneway, which currently is used to access the subject site. The site contains some existing gates providing access from the laneway to the rear of the site. The laneway adjacent to the subject site is one of the two laneways within Colonel Light Gardens that permits access to the rear of allotments that abut.

Stormwater

The proposal is for a storage shed with a floor area of 95.3 square metres. Council requires that a minimum rain water tank of 3,000 square metres is installed, in order to minimise and delay the discharge of stormwater from the site. The tank should be plumbed such that it contains 2,000 litres of retention and 1,000 litres of detention. There is adequate room left on the site for the location of the required tank, and this will be reinforced by way of a condition should the Development Assessment Panel be minded to support the proposal.

CONCLUSION

The subject site currently contains an existing non-residential use by way of the café, and therefore is an appropriate site for the development of a store within the locality. The use of the land for the storage of the owner’s private motor vehicles is considered to be low impacting and complimentary to the surrounding residential uses. The design of the storage shed has been assessed as complimentary of the heritage value of the locality and complimentary of surrounding domestic outbuildings. The proposal will see the storage of items currently located on the site, thereby improving the visual appearance and impact of the site on the amenity of the locality.

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal on balance satisfies the relevant provisions of the Development Plan. The proposal is broadly consistent with the Desired Character of the Zone and will not detrimentally impact upon the amenity of the adjoining properties of the locality. Accordingly, the proposal warrants Development Plan Consent subject to conditions.
RECOMMENDATION

A. The proposed development is not seriously at variance with the relevant Development Plan

B. That the application by Mr P R Kruger to CONSTRUCT A STORE (95 SQUARE METRES) FOR THE PURPOSES OF STORING PERSONAL VEHICLES AND ASSOCIATED PERSONAL ITEMS at 1-3 Salisbury Crescent COLONEL LIGHT GARDENS as detailed in Development Application No: 080/163/2014 be GRANTED Development Plan Consent subject to concurrence from the Development Assessment Commission and the following conditions of consent:-

1. The proposal must be developed in accordance with the details submitted to the Council and approved plans relating to Development Application Number 080/163/2014 except where varied by the following conditions.

   Reasons: To ensure the proposal is established in accordance with the plans and details submitted

2. The herein approved store is to be used for the storage of private motor vehicles and associated personal items only and at no point is the store to be used for commercial storage purposes, without prior consent of Council.

   Reason: To ensure the amenity of the locality is maintained and that the right of way is not adversely impacted upon.

3. Stormwater must be disposed of in such a manner that it does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.

   Reason: To provide adequate protection against the possibility of stormwater inundation to neighbour properties.

4. A 3,000 litre rainwater tank shall be provided onsite, with the stormwater from the roof of the herein approved store being directed to the tank, and with the tank being plumbed such that it contains 2,000 litres of retention and 1,000 litres of detention, with the overflow to be directed to the onsite stormwater management system. No water is to be discharged onto the right of way. Such a tank shall be installed and connect to the storage shed and street water table prior to the use of the herein approved store.

   Reason: To ensure the site has adequate onsite stormwater management.
State Heritage Notes

1. You are advised of the following requirements of the Heritage Places Act, 1993:-

   (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.

   (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

   For further information, contact the Department of Environment & Natural Resources.

2. If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the Aboriginal Heritage Act 1988.
171 Shepherds Hill Road EDEN HILLS

DEVELOPMENT PROPOSAL: DIVIDE LAND TO CREATE ONE(1) ADDITIONAL ALLOTMENT (1:2) AND CHANGE THE OF USE OF THE EXISTING "HOBBY ROOM / WORKSHOP" TO DETACHED DWELLING

APPLICANT: MR R PUKSAND
APPLICATION NO: 080/1233/2014
LODGE DATE: 25/09/2014
ZONE: RESIDENTIAL (HILLS) ZONE
APPLICATION TYPE: MERIT
PUBLIC NOTIFICATION: CATEGORY 1
REFERRALS: COUNTRY FIRE SERVICE (CFS), DEPARTMENT OF PLANNING, TRANSPORT AND INFRASTRUCTURE (DPTI), DEVELOPMENT ASSESSMENT COMMISSION (DAC), SA WATER
PREPARED BY: CASSIA MILTON
DEVELOPMENT OFFICER - PLANNING
DEVELOPMENT PLAN: 13 FEBRUARY 2014

RECOMMENDATION

Development Plan Consent and Land Division Consent to be GRANTED subject to conditions.

BACKGROUND

This application is presented to the Panel for a decision in accordance with Council Policy - Development Control 03.04 - Applications for Determination by the Development Assessment Panel due to the allotments not meeting the minimum allotment size for detached dwellings in the Residential (Hills) Zone.

An application was considered on the site back in 1987 for the construction of a two-storey detached dwelling to be constructed at the rear of the existing dwelling. As part of this application the existing dwelling was to be converted to a hobby and workshop building associated with the new building. This was reinforced by way of a condition of approval on the basis of correspondence received from the applicant.

PREVIOUS APPLICATIONS

<table>
<thead>
<tr>
<th>APPLIC. NO</th>
<th>DESCRIPTION</th>
<th>DECISION</th>
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</thead>
<tbody>
<tr>
<td>080/555/1992</td>
<td>Detached Outbuilding</td>
<td>Approved</td>
</tr>
<tr>
<td>080/561/1987</td>
<td>Construct two-storey detached dwelling and covert existing dwelling to hobby room/workshop</td>
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DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal involves the division of the land into two allotments to create residential sites suitable for detached dwellings. Allotment 76 will have a site area of 747 square metres with a frontage of 26.027 metres to Shepherds Hill Road, with Allotment 77 having a site area of 1,257 square metres and a 12.63 metre wide frontage to Shepherds Hill Road. The allotments will share free and unrestricted rights of way over a portion of land adjacent to the front property boundaries to allow for the retention of the existing shared driveway.

Given that Council had previously conditioned that the existing dwelling on Lot 76 was to be converted to a hobby room/ workshop to be used in association with the two-storey dwelling on Lot 77, this application also seeks to covert the building back to a detached dwelling. There are no external or internal changes proposed to the existing buildings.

Access to the dwellings and the sites remain via an existing crossover from Shepherds Hill Road.

The following development statistics are applicable to the development application;

**ALLOTMENT 76**

<table>
<thead>
<tr>
<th>REQUIREMENT</th>
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<tr>
<td>SITE AREA</td>
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<tr>
<td>FRONTAGE</td>
<td><strong>Detached 12m</strong></td>
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<td>DEPTH</td>
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<tr>
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**ALLOTMENT 77**

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<tr>
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<tr>
<td>SITE COVERAGE</td>
<td>N/A in Res(H)</td>
</tr>
<tr>
<td>PRIVATE OPEN SPACE</td>
<td>20%</td>
</tr>
</tbody>
</table>

For further information relevant to the proposed development, refer Attachment A.
PUBLIC NOTIFICATION

The application is a Category 1 form of development pursuant to Schedule 9, Part 1, Clause 2(f) of the Development Regulations 2008, in that the proposal involves the division of land which creates not more than four additional allotments.

REFERRALS

Development Assessment Commission (DAC) /SA WATER

No concerns have been raised regarding the proposal and the standard suite of conditions has been requested to be imposed in relation to payment into the Planning and Development Fund.

Department of Planning Transport and Infrastructure (DPTI)

Given that the land division is proposed on a site with access from an arterial road, DAC referred the application to DPTI for comments regarding the proposal. DPTI advised that they support the shared access arrangements, however requested that the driveway be reduced to a width of six metres at the Shepherds Hill Road boundary to ensure that two separate access points could not be established. The applicant amended the proposal in line with the comments provided.

Country Fire Service (CFS)

The proposal involves the conversion of the previously approved hobby room/workshop back to the use as a detached dwelling. As a result the application was referred to CFS to provide comment in regards to this aspect. Given there are no changes to the existing two-storey dwelling, the comments from the CFS relate primarily to the conversion and the proposed land division. The applicant has agreed to install a 22,000 litre dedicated Bushfire Tank for the front building to comply with the Ministers Code for Undertaking Development in Bushfire Prone Areas given that the building is being converted to a dwelling.

The CFS originally raised concerns related to the access to proposed Allotment 77 given that an indicative carport area was shown on a superseded plan of division that had the potential to interfere with the turn-around area for CFS Vehicles. The applicant has since removed this notation from the proposal. The CFS now has no objection to the proposed development subject to conditions of approval being included in any decision.

A full copy of the relevant reports are attached, refer Attachment B.

ASSESSMENT

Seriously at Variance

Pursuant to Section 35(2) of the Development Act, 1993 the proposal is not seriously at variance with the Mitcham (City) Development Plan.
Development Plan

The subject land is located within the Residential (Hills) Zone as described in the City of Mitcham Development Plan.

The main provisions of the Development Plan which relate to the proposed development are as follows:

\textit{Council Wide Provisions}
\begin{itemize}
\item \textbf{Objective(s)} 4, 5, 12, 15,
\item \textbf{Principle(s) of Development Control} 2, 3, 4, 16, 17, 19, 21, 22, 43, 44, 48, 58, 62
\end{itemize}

\textit{Zone Provisions}
\begin{itemize}
\item \textbf{Objective(s)} 1
\item \textbf{Principle(s) of Development Control} 1, 3
\end{itemize}

In assessing the merits or otherwise of the application the primary planning issues have been assessed relevant to the Development Plan under the following subheadings.

Land Use

Objective 1 of the Residential (Hills) Zone seeks development comprising detached dwellings on large allotments that maintains and enhances the natural vegetation and features of the Mount Lofty Ranges. The proposed land division and conversion of hobby room to detached dwelling being residential in nature is appropriate for the Zone and consistent with the primary objective of the Zone.

Subject Site/Locality

The subject land is located on the north-eastern side of Shepherds Hill Road and is approximately 150 metres south of the intersection of Shepherds Hill and Murtoa Road. The site has a frontage of 33.63 metres to Shepherds Hill Road, a depth of 60.96 metres and a total site area of 2,004 square meters. The single-storey building at the front of the site is approved as a hobby room/workshop to be used in association with the two-storey dwelling located at the rear of the site. The single-storey building is a traditional sand-stone cottage with a front bull-nose verandah, and the two-storey dwelling at the rear is of a more modern construction, having being constructed in the 1980’s. Whilst the cottage has been approved to be used as a hobby room/workshop, when the property is viewed from Shepherds Hill Road the building appears as a dwelling and due to the presence of vegetation, the two-storey dwelling is not overly visible.
View of the site from Shepherds Hill Road

The locality is characterised by the following key features/elements:

- Large and reasonably well vegetated allotments;
- Sloping topography of the land;
- High open space to built form ratio; and
- Dwellings displaying a mixture of character and era of construction.

The amenity of the area is considered to be affected by the proximity of Shepherds Hill Road which is an arterial road that caters for large volumes of traffic.
The Desired Character Statement of the Residential (Hills) Zone states that it is desirable that the existing open and landscape character of land within the Zone be retained. Both sites contain existing buildings, and no earthworks or removal of any existing vegetation is required. Therefore the proposed land division will not impact on these existing natural elements or the built form within the streetscape.

The Desired Character Statement also acknowledges the existing character and states that:

“The area has developed a special character typified by generally large to very large allotments mainly accommodating detached dwellings, thus resulting in a very high open space to built form ratio. This has enabled many areas to remain relatively densely vegetated and the areas as a whole to maintain a distinctive natural character.

Despite proposed Allotment 76 being 450 square metres undersized, it is considered that the open and landscaped character of the locality will be suitably maintained. If the existing building on the sites were to be demolished it is considered that the land area is sufficient to suitably site an appropriately designed dwelling that will be capable of meeting the Development Plan requirements whilst also maintaining space between buildings and sufficient areas for private open space and landscaping. As such the proposal is not considered to be at odds with the Desired Character sought for the area.
Allotment Size/ Pattern of Development

The proposed land division intends to rationalise an existing situation by creating separate allotments for the two existing buildings on the site. This results in allotment 76 having a site area less than the minimum standard prescribed by Principle of Development Control 3 of the Residential (Hills) Zone. The relevant provisions of the Development Plan generally discourage allotments for detached dwellings that are less than the relevant standard. In terms of the proposed division, the reconfigured allotment 76 would have a site area of 747 square metres that would be short of the required standard by 450 square metres.

It is necessary to assess the locality to determine if the proposed undersized allotment is acceptable. The map below nominates the allotment sizes of other properties within the locality and it is evident that there are a range of different allotment sizes, particularly along Shepherds Hill Road. On the south-western side of Shepherds Hill Road, the allotments are all smaller than the minimum allotment size sought by the current Development Plan. As a result it is considered that the proposed land division is not at odds with the pattern of division in the locality and is reinforcing an existing situation.

Map demonstrating allotment sizes within the locality of 171 Shepherds Hill Road, Eden Hills
Another consideration in regards to the proposed land division is the configuration of the allotments in that the dwelling at the rear will be located on a hammer-head allotment. Whilst not overly common within the locality there is an example at 6A and 8 Murtoa Road which is located at the rear of the subject land. Given that the buildings already exist, this arrangement is not considered to unreasonably impact on adjoining properties and also ensures that the appearance of the site from Shepherds Hill Road will not be altered. As a result of the existing allotment sizes present in the immediate locality it is considered that the proposed land division will be consistent with the existing pattern of division in the area and can be supported.

The existing dwellings provide adequate private open space, maintain appropriate setbacks from side and rear property boundaries and the ratio of built form to open space is not at odds with other development within the locality. As such this proposal effectively demonstrates that the allotments are suitable for its intended use in accordance with Council Wide Principle of Development Control 44.

The proposed land division will not alter the existing streetscape of Shepherds Hill Road by way of built form. The proposal will essentially maintain the status quo, especially as to how the allotments will be viewed from the street.

Traffic and Parking

Council Wide Principles of Development Control 21 and 22 require that the proposed development has regard to the safety of vehicles accessing the site and surrounding streets whilst making adequate provision for on-site car parking. There are no changes being made to the existing access points and car parking arrangements on the site that currently comply with Council’s requirements.

As part of the referrals undertaken by the Development Assessment Commission, the proposal was referred to the Department of Planning, Transport and Infrastructure given that the site is located on an arterial road. As previously discussed DPTI advised that they would be supportive of the proposal if the width of the driveway were to be reduced to six metres and that all vehicles using the sites should be able to enter and exit the allotments in a forward direction. These matters have been addressed by way of an amended plan of division. As such it is considered that the sites are suitable in providing safe and convenient access and vehicle manoeuvring on site.

Building Rules Assessment/ Bushfire Requirements

Given that the existing single-storey building is being converted from a hobby room/workshop back to a dwelling, the application requires a Building Rules Consent to consider these proposed changes. The major factor in the planning assessment is in regards to the additional bushfire requirements that would be required to ensure compliance with the Ministers Code for undertaking development in Bushfire Prone Areas. The applicant has confirmed that a dedicated 22,000 Litre tank will be installed for Bushfire Fighting purposes for Allotment 76 to service the converted building. A condition of approval has been included to ensure that the tank is installed prior to the occupation or use of the building as a dwelling.

The site is located in a High Bushfire Risk Area as identified in Council’s Development Plan. Council Wide Principle of Development Control 61 states that
land division within an area identified as being within a Bushfire Protection Area should be designed to make provisions for emergency vehicle access, continuous street pattern that avoids the use of cul-de-sacs and dead end road and a fire hazard separation Zone that isolates residential allotment from those areas that pose an unacceptable bushfire risk.

The proposed land division does not alter the existing street layout and is located on a major arterial road that is capable of sufficiently catering for emergency vehicles. The site is not considered to abut land that poses an unacceptable bushfire risk, given that it is abuts other residential properties. As such the proposed land division is considered consistent with the Development Plan requirements in relation to the division of land in a high bushfire risk area.

CONCLUSION

Whilst the proposed land division is creating one allotment that does not meet the minimum allotment size prescribed within the Residential (Hills) Zone requirements, the land division and the existing situation on the site demonstrates that the sites are suitable and is of little consequence to the character and amenity of the locality.

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal on balance satisfies the relevant provisions of the Development Plan. The proposal is broadly consistent with the Desired Character of the Zone and will not detrimentally impact upon the amenity of the adjoining properties of the locality. Accordingly, the proposal warrants Development Plan Consent subject to conditions.

RECOMMENDATION

A. The proposed development is not seriously at variance with the relevant Development Plan.

B. That the application by Mr R Puksand to DIVIDE LAND TO CREATE ONE(1) ADDITIONAL ALLOTMENT (1:2) AND CHANGE THE OF USE OF THE EXISTING "HOBBY ROOM" TO DETACHED DWELLING at 171 Shepherds Hill Road EDEN HILLS as detailed in Development Application No: 080/1233/2014 be GRANTED Development Plan Consent and Land Division Consent subject to the following conditions of consent:-

Development Plan Conditions

1) That the proposal must be developed in accordance with the details submitted to the Council and approved plans relating to Land Division Application Number 080/1233/2014 (080/D052/14) except where varied by the following conditions.

Reason: To ensure the proposal is established in accordance with the plans and details submitted.
2) A supply of water independent of reticulated mains supply must be available at all times for fire-fighting purposes.

- A supply of 22,000 litres of water, independent of reticulated mains supply must be available at all times for fire-fighting purposes. Where the water supply is an above ground tank, the tank (including any support structure) must be constructed of non-combustible material.
- This supply must be fitted with a fuel driven pump or an equivalent system that operates independent of mains electricity and is capable of pressurising the water for fire-fighting purposes.
- All non-metal fire-fighting water supply pipes other than flexible connections to fire-fighting pumps must be buried at least 300mm below finished ground level.
- A hose and nozzle capable of withstanding the pressures of the supplied water of max length 36 metres (to reach all parts of the building) must be readily available at all times. Refer to Minister Specification for further detail.
- The diameter of all fittings and flexible reinforced suction hose connecting the water supply to the fuel driven pump, must be no smaller than the diameter of the pump inlet valve.

Reason: To minimise the risks of damage to life and property in the event of a bushfire and comply with Ministers Code for bushfire protection areas.

NOTE - The water supply and any other associated fixtures and fittings must comply with the Ministers Specification SA-78 “Additional requirements in designated bushfire prone areas”

BUSHFIRE PROTECTION CONDITIONS AS IMPOSED BY CFS

3) ACCESS

The Code Part 2.3.3.1 describes the mandatory provision for ‘Private’ roads and driveways to buildings, where the furthest point to the building from the nearest public road is more than 30 metres, shall provide safe and convenient access/egress for large Bushfire fighting vehicles:

- CFS notes the existing access is satisfactory – however the development plan indicates that the entry point from Shepherds Hill Rd for Lot 77 will eliminate the existing turn-around capability as currently provided – therefore, additional emergency fire-fighting vehicle access to the existing dwelling located at the rear of Lot 77 is required.
- CFS notes that the development plan indicates ‘T’ shaped turn-around points for each of the proposed lots –
  - Lot 76: the furthest point of the existing ‘old’ structure is located less than 30m from the public road – hence the requirement for an emergency access turn-around as mandated by the Code does not apply.
  - LOT 77: the furthest point of the existing ‘new’ dwelling is greater than 30m from the public road – hence the mandated requirements of the Code apply.
CFS notes the development plan also indicates a proposed carport to be sited to one side of the ‘T’ shaped turn-around – but no dimensions are provided with the plans. CFS is concerned the location of the carport may reduce the capability of the ‘T’ shaped turn-around to comply with the dimensional requirements of the Code if the height of the underside of the structure is less than 4m from the surface ground level.

4) **WATER SUPPLY**

The Code Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for fire-fighting and as prescribed by Minister’s Specification SA 78.

- CFS recommends an alternative solution be proposed by the applicant for consideration.

5) **VEGETATION**

The Code Part 2.3.5 describes the mandatory provision for landscape planning shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property.

- Grasses within 20m of the dwelling (or to the property boundaries – whichever comes first) shall be reduced to a height of 10cms during the Fire Danger Season.
- The existing garden shall be maintained to prevent the accumulation of dead vegetation during the fire danger season.

**NOTE**: Building Requirements

Refer to the Building Code of Australia Part 3.7 “FIRE SAFETY” for construction requirements and performance provisions.

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

**Land Division Conditions**

**Council Requirements:**

Nil

**DAC Requirements:**

1) The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0024734).

On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or re-directed at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
2) Payment of $6488 into the Planning and Development Fund (1 allotment/s @ $6488 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked “Not Negotiable” and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.

3) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.
12A Lowan Avenue GLENALTA

<table>
<thead>
<tr>
<th>DEVELOPMENT PROPOSAL:</th>
<th>DIVIDE LAND TO CREATE ONE(1) ADDITIONAL ALLOTMENT (1:2)</th>
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<tbody>
<tr>
<td>APPLICANT:</td>
<td>MRS K N BROOK</td>
</tr>
<tr>
<td>APPLICATION NO:</td>
<td>080/1663/2014</td>
</tr>
<tr>
<td>LODGEMENT DATE:</td>
<td>15/12/2014</td>
</tr>
<tr>
<td>ZONE:</td>
<td>RESIDENTIAL (HILLS) ZONE</td>
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<td>PREPARED BY:</td>
<td>TIM PRIDE</td>
</tr>
<tr>
<td></td>
<td>DEVELOPMENT OFFICER - PLANNING</td>
</tr>
<tr>
<td>DEVELOPMENT PLAN:</td>
<td>13 FEBRUARY 2014</td>
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</table>

RECOMMENDATION

Development Plan Consent be GRANTED.

BACKGROUND

This application is presented to the Panel for a decision in accordance with Council Policy - Development Control 03.04 - Applications for Determination by the Development Assessment Panel due to the proposed allotments not meeting the minimum area under the Residential Hills Zone of Council's Development Plan.

Council has previously considered an application for a detached dwelling on the existing allotment under Development Application 080/1301/2013. The application was for a very large single-storey detached dwelling and involved the filling of an existing pond to provide a benched area for the construction of a dwelling. The site previously contained a private water pond constructed by the previous owners, who had diverted the natural overland flow of stormwater into the pond. Council undertook works to redirect the nature flow of water through the existing stormwater reserve on the eastern side of the allotment and to provide protection to the allotment against the inundation of water from the overland flow.

The pond had received stormwater from roads and hard sealed areas which potentially could have contaminated the pond area. As a result the applicant was required to undertake testing on the soil located within the pond area. This testing and report concluded that there were no contaminates existing on the site that would preclude the site from being used for residential purposes.

The dwelling that was proposed on the subject site was substantial with a total footprint of 402.68 square metres. The proposal being single storey and having over 400 square metres of floor area, presented a large length of built form to the Lowan Avenue frontage. The dwelling however met all of the requirements of the development plan and was therefore granted Development Plan Consent. The size of the dwelling while being appropriate for the allotment was considered to be substantially larger than the majority of dwellings within the locality.
PREVIOUS APPLICATIONS

<table>
<thead>
<tr>
<th>APPLIC. NO:</th>
<th>DESCRIPTION</th>
<th>DECISION</th>
</tr>
</thead>
<tbody>
<tr>
<td>080/1663/2014</td>
<td>Construct a new detached dwelling, garage, alfresco, portico and verandah</td>
<td>Approved by delegation</td>
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DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant wishes to divide an existing allotment into two separate Torrens Titled allotments. The existing allotment is 1719 square metres and has a frontage to two sections of Lowan Avenue. Proposed allotment three will have a frontage to Lowan Avenue of 30 metres with a site area of 859 square metres, while proposed allotment four will have two frontages to Lowan Avenue of 21.44 metres on the northern side and 38 metres on the southern side of the allotment, and with an area of 860 square metres. The allotments are irregular in shape, with a number of angled boundaries.

The following development statistics are applicable to the development application;

**ALLOTMENT 3**

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</tr>
<tr>
<td></td>
<td>Detached 1200m²</td>
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<tr>
<td>FRONTAGE</td>
<td>Detached 12m</td>
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<td>DEPTH</td>
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**ALLOTMENT 4**

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<tr>
<td>FRONTAGE</td>
<td>Detached 12m</td>
</tr>
<tr>
<td>DEPTH</td>
<td>N/A</td>
</tr>
</tbody>
</table>

For further information relevant to the proposed development, refer Attachment A.

PUBLIC NOTIFICATION

The application is a Category 1 form of development pursuant to Section 38 and Schedule 9 Part 1(5) of the Development Act and Regulations, as the application is for the division of an allotment creating one additional allotment, with the land division creating allotments for the construction of detached dwellings and is considered not to change the nature or function of a road.

The application was not required to be publicly notified as it is a Category 1 form of development.
REFERRALS

The Development Assessment Commission has referred the application to the Native Vegetation Council, Country Fire Services Development Assessment Unit, SA Water and the Development Assessment Commission, with no concerns being raised. Only some standard land division requirements were directed to be attached to any approval issued, including amongst other matters payment of $6488 into the Planning Development Fund.

A full copy of the relevant reports are attached, refer Attachment B.

ASSESSMENT

Seriously at Variance

Pursuant to Section 35(2) of the Development Act, 1993 the proposal is not seriously at variance with the Mitcham (City) Development Plan.

Development Plan

The subject land is located within the Residential (Hills) Zone as described in the City of Mitcham Development Plan.

The main provisions of the Development Plan which relate to the proposed development are as follows:

**Council Wide Provisions**

Objective(s) 4, 5, 12, 15
Principle(s) of Development Control 2, 3, 4, 16, 17, 19, 21, 22, 43, 44, 48, 58, 62

**Zone Provisions**

Objective(s) 1
Principle(s) of Development Control 1, 3

In assessing the merits or otherwise of the application the primary planning issues have been assessed relevant to the Development Plan under the following sub headings.

Land Use

Objective 1 of the Residential (Hills) Zone seeks development comprising detached dwellings on large allotments that maintains and enhances the natural vegetation and features of the Mount Lofty Ranges. The proposed land division will facilitate the future development of detached dwellings and being residential in nature is appropriate for the Zone and consistent with its primary objective.
Subject Site/Locality

The subject site is shown in the site map over the page. The subject site is located on the corner of Lowan Avenue and a small cul-de-sac road also considered to be Lowan Avenue. The site is currently under one Certificate of Title known as allotment 59 in Certificate of Title Volume 5855 Folio 109, and is an irregular shaped allotment of 1719 square metres. The subject site has a frontage to the main portion of Lowan Avenue on the north western side of the allotment of some 51.44 metres and two angled frontages to the cul-de-sac portion of Lowan Avenue of 16.92 metres and 21.08 metres on the southern and south western side of the allotment. The subject site also has a corner cut-off of 3.79 metres.

The subject site contains one significant tree that is a River Red Gum located in the north eastern corner of proposed allotment 3. The tree is located in close proximity to the Lowan avenue frontage and the boundary with the Councils stormwater reserve.
The locality is characterised by detached dwellings on varying allotment sizes, open landscaped front yards, public space/water courses and mature vegetation/large trees.

Desired Character

The Desired Character Statement of the Residential (Hills) Zone states that it is desirable that the existing open and landscape character of land within the Zone be retained. The subject site has been cleared and benched as part of the previous application for a detached dwelling, with no further substantial works required for the creation of the allotments and construction of two detached dwellings. Therefore the proposed land division will not impact on the natural character and elements.

The Desired Character Statement also acknowledges the existing character and states that:

“The area has developed a special character typified by generally large to very large allotments mainly accommodating detached dwellings, thus resulting in a very high open space to built form ratio. This has enabled many areas to remain relatively densely vegetated and the areas as a whole to maintain a distinctive natural character.
The proposed division of the land into two allotments, notwithstanding that the proposed allotments are 341 and 340 square metres under the prescribed minimum allotment size, are still of a size that will not be detrimental to the attainment of the Desired Character for the Zone. The allotments are considered to be large enough to support the development of detached dwellings that will be consistent with the Desired Character Statement for the Zone. The proposed land division is therefore considered to be consistent with Zone Principle of Development Control 1.

**Allotment Size/Pattern of Development**

Over the page is a map of allotments and their areas that surround the subject site. As can be seen from the map, there are varying allotment sizes within the locality that range from 679 square metres up to 2346 square metres, with the average of the allotments shown being 955 square metres. Zone Principle of Development Control 3 seeks allotments for detached dwellings to have a site area of 1200 square metres and a frontage of 12 metres. The proposed allotments are therefore 341 and 340 square metres short in site area from this numerical requirement of Zone. Despite being at least 341 square metres short in site area, as demonstrated on the allotment area map below, the proposed allotments are around the average site area for the locality. The departure from the numerical requirements of the Development Plan are therefore considered to not be detrimental to the pattern of development within the locality, with the proposed allotments considered to relatively accord with pattern of division and configuration of allotments within the locality.
The location of the subject site in relation to Lowan Avenue is somewhat separated and sits on its own, with two frontages to Lowan Avenue and the stormwater reserve on the eastern side of the allotment. The site is also a prominent due to the axis and layout of Lowan Avenue. The proposed land division is considered to be a good outcome for the locality and amenity of Lowan Avenue in that it will allow for the development of detached dwellings that will front Lowan Avenue and the development of a detached dwelling that can address the corner of Lowan Avenue on the western side of the allotment, and the southern street frontage. Previously the dwelling approved on the subject site fronted the north western street frontage and turned its back on the southern street frontage as it was just one dwelling. The proposed land division is therefore considered to facilitate better built form outcomes for the locality.

Previous Case Law & Indicative Dwellings

There have been a number of appeals considered by the Environment, Resources and Development Court in relation to proposed land divisions specifically within the Residential (Hills) Zone of Mitcham Council. Previous Court determinations suggest that in considering applications where the minimum site area is not met, particular attention should be paid as to whether proposed dwellings/buildings to be located on the proposed allotments meet Council’s other requirements in terms of built form and siting, and should not just be an assessment on land area alone.

The applicant has provided indicative building envelopes to demonstrate that adequate private open space, setbacks from road frontages, setbacks form side and rear property boundaries and the ratio of built form to open space is not at odds with the Development Plan or other development within the locality. As such the indicative building envelopes effectively demonstrate that the allotments are suitable for their intended use in accordance with Council Wide Principle of Development Control 44.

The proposed land division will not negatively alter the existing streetscape of Lowan Avenue by way of future built form as it retains reasonably large frontages and allows for the development of dwellings while maintaining space around buildings and setbacks that are complimentary of the locality. The proposed allotment shapes, while not entirely regular, are considered to be reasonable for the construction of dwellings that meet Development Plan requirements and have large frontages that are consistent with the locality. The frontages of the allotments are larger than many of the surrounding allotments, with the departure from the Development Plans allotment area requirement, therefore considered to be somewhat overcome by the extent of frontage for each proposed allotment. In some ways the frontage provided for proposed allotments is more critical than the area, as this allows for space around future dwellings/buildings and has more visual impact on the amenity of the locality. The proposed allotments are considered to be conducive to and of a size that will allow for good built form outcomes.

Access

Access has been demonstrated through the building envelopes as being able to be provided safely and conveniently for each proposed allotment. The proposed land division is therefore considered to be consistent with Council Wide Principle of Development Control 22 in that safe and convenient driveway access can be developed for each allotment.
Landscaping

Landscaping will be dealt with through the application for any future dwellings on the proposed allotments. The allotments are considered to be large enough to facilitate good landscaping around any proposed dwellings and structures to be built on each allotment.

The subject site has one regulated River Red Gum located in the northern corner of the site. The subject site also contains two other River Red Gums, one 4.36 metres in circumference and one 2.09 metres in circumference. These two trees are located within 20 metres of a dwelling and with the subject site located within a medium bushfire protection area; the trees are exempt from the controls of Regulated and Significant Trees as listed under Development Act 1993 and Development Regulations 2008. Despite the trees not be controlled by the legislation, the applicant is proposing to retain the trees on the proposed allotments. A tree report was undertaken by Arborman Tree Solutions to assess the health and impact of the building envelopes on the Tree Protection Zone of each tree. The report also assesses the proposed building envelopes impact on a River Red Gum on a neighbouring allotment that is adjacent to the southern boundary of the subject site.

The tree report shows that the proposed allotments can be developed with a detached dwelling that has minimal impact and acceptable intrusions into the Tree Protection Zones for each tree.

Bushfire

The subject site is located within a medium bushfire protection area. The division of land does not trigger any bushfire requirements, but does require the size of the allotments to be considered in regards to the provision of firefighting water tanks for future dwellings. The allotments are considered to be large enough to accommodate a 5,000 litre dedicated firefighting rainwater tank, as well as access to the tanks for the CFS vehicles. The proposed land division is therefore considered to be acceptable regarding the medium bushfire protection area it is located within.

CONCLUSION

The proposed land division will create allotments that are 341 and 340 square metres short of the minimum allotment sizes listed under the Zone within Principle of Development Control 3. Notwithstanding this departure from the numerical requirements of the Development Plan, the proposed allotments at 859 and 860 square metres are considered to be consistent with the average allotment size within the locality and of a size large enough that they are suitable for the development of detached dwellings. Building envelopes have been provided that show that the proposed allotments are suitable for the development of detached dwellings that are complimentary of the locality and that meet the requirements of the Development Plan. The allotments are large enough that the division of the land will not be detrimental to the attainment of the Desired Character or the requirements for dwellings within a medium bushfire protection area.
The proposed division of the land meets all of the requirements of the Development Plan with the exception of the allotment areas. The departure from the minimum allotment area requirements is considered to be acceptable in this instance and will not be detrimental to the amenity of the locality or the attainment of the Desired Character for the locality.

Accordingly, the proposal warrants the issue of Development Plan Consent, Land Division Approval and Full Development Approval subject to conditions.

RECOMMENDATION

A. The proposed development is not seriously at variance with the relevant Development Plan.

B. That the application by Mrs K N Brook to DIVIDE LAND TO CREATE ONE(1) ADDITIONAL ALLOTMENT (1:2) at 12A Lowan Avenue GLENALTA as detailed in Development Application No: 080/1663/2014 be GRANTED Development Plan Consent, Land Division Approval and Full Development Approval subject to the following conditions of consent:-

Development Plan Consent Conditions:

1. The proposal must be developed in accordance with the details submitted to the Council and approved plans relating to Development Application Number 080/1663/2014 (080/D073/2014) except where varied by the following conditions.

   Reason: To ensure the proposal is established in accordance with the plans and details submitted.

Land Division Consent Conditions:

Council Requirements

Nil

Development Assessment Commission Requirements

2. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0027481).

   The internal drains shall be altered to the satisfaction of the SA Water Corporation.
3. Payment of $6488 into the Planning and Development Fund (1 allotment/s @ $6488 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked “Not Negotiable” and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.

4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.
11 Waite Street BLACKWOOD

DEVELOPMENT PROPOSAL: DIVIDE LAND TO CREATE ONE (1) ADDITIONAL ALLOTMENT (1:2)
APPLICANT: STRATEGY URBAN PROJECTS
APPLICATION NO: 080/1703/2014
LODGE DATE: 23/12/2014
ZONE: RESIDENTIAL (BLACKWOOD URBAN) ZONE
APPLICATION TYPE: MERIT
PUBLIC NOTIFICATION: CATEGORY 1
REFERRALS: DEVELOPMENT ASSESSMENT COMMISSION, SA WATER,
PREPARED BY: CASSIA MILTON DEVELOPMENT OFFICER - PLANNING
DEVELOPMENT PLAN: 13 FEBRUARY 2014

RECOMMENDATION

Development Plan Consent, Land Division Consent and Development Approval be GRANTED subject to conditions.

BACKGROUND

This application is presented to the Panel for a decision in accordance with Council Policy - Development Control 03.04 - Applications for Determination by the Development Assessment Panel due to the allotments not meeting the minimum allotment size sought by Council's Development Plan.

PREVIOUS APPLICATIONS

<table>
<thead>
<tr>
<th>APPLIC. NO:</th>
<th>DESCRIPTION</th>
<th>DECISION</th>
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<td>080/155/2015</td>
<td>Demolition</td>
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<td>080/61/2015</td>
<td>Construct two detached dwellings</td>
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<td>080/1177/2001</td>
<td>Construct a shed</td>
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DESCRIPTION OF THE PROPOSED DEVELOPMENT

This application seeks to divide an existing residential allotment into two for the purpose of detached dwellings. The allotments being created each have a frontage of 16.5 metres to Young Street, a depth of 26.8 metres and a total site area of 441 square metres per allotment.
The following development statistics are applicable to the development application;

**ALLOTMENT 51**

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<tbody>
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**ALLOTMENT 52**

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<tr>
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<td>Detached 15m</td>
</tr>
<tr>
<td>DEPTH</td>
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</tr>
</tbody>
</table>

For further information relevant to the proposed development, refer Attachment A.

**PUBLIC NOTIFICATION**

The application is a Category 1 form of development pursuant to Schedule 9, Part 1, Clause 2 (f) of the Development Regulations (2008), in that the proposal involves the division of land which creates not more than four additional allotments.

**REFERRALS**

As part of the assessment of the Land Division the application has been referred to SA Water and the Development Assessment Commission and no concerns were raised.

SA Water have advised that an extension to the existing sewer line will be required for proposed Allotment 51. Whilst Allotment 52 can utilise the existing sewer connection point located on Waite Street, the sewer line that runs along Young Street currently terminates at the property located at 12 Young Street.

The applicant will be required to liaise with SA Water in regards to costs and having this work undertaken.

The standard suite of conditions in relation to payment into Planning and Development Fund has been recommended.

Copy of comments, refer Attachment B.
ASSESSMENT

Seriously at Variance

Pursuant to Section 35(2) of the Development Act, 1993 the proposal is not seriously at variance with the Mitcham (City) Development Plan.

Development Plan

The subject land is located within the Residential (Blackwood Urban) Zone as described in the City of Mitcham Development Plan.

The main provisions of the Development Plan that relate to the proposed development are as follows:

Council Wide Provisions
Objective(s) 14, 15, 16, 17, 18
Principle(s) of Development Control 2, 16, 22, 43, 44, 45, 46, 48, 61

Zone Provisions
Objective(s) 1
Principle(s) of Development Control 1, 2, 5

In assessing the merits or otherwise of the application the primary planning issues have been assessed relevant to the Development Plan under the following sub headings.

Land Use

The subject land is an existing residential allotment. Objective 1 of the Residential (Blackwood Urban) Zone contemplates development providing a range of housing types at densities appropriate to the more urbanised part of the Blackwood area. The proposal that involves the division of land, within close proximity to the urban areas of Blackwood is therefore considered to be an acceptable in terms of land use.

Subject Site/Locality

The subject site is located on the south-western corner of the intersection of Waite and Young Street, and is approximately 160 metres west of the intersection with Main Road. The subject site is relatively flat with an existing single storey detached dwelling with associated domestic structures currently located on the site. The existing dwelling is an old cottage with a return verandah that presents both to Waite Street and Young Street.
Existing dwelling and site located at 11 Waite Street, Blackwood

The allotment has a frontage of 26.8 metres to Waite Street, a depth of 33 metres and a total area of 882 square metres. The allotments adjacent to the subject site to the north and west contain primarily single storey detached dwellings on allotment sizes ranging between 620 square metres to over 2000 square metres. To the immediate east of the subject land is a group of shops located within the District Centre Zone and on the north east corner of the intersection of the subject land is the Waite Street Reserve. To the south of the subject land there is a site owned by SA Water, which contains a large water tower, tank and ancillary infrastructure.
Locality of 11 Waite Street, Blackwood

The locality is characterised by the following key features/elements:

- Single-storey dwellings on medium to large sized allotments that are generally well vegetated;

- Commercial developments with large expanses of hard paved areas as a result of parking areas with limited landscaping provided on the site;

- Open space as a result of the SA Water site to the south and the Waite Street Reserve to the north east.

The amenity of the area is considered to be affected by the presence of the large-scale infrastructure such as the water tower on Waite Street and the electricity substation located on Shepherds Hill Road, as well as the commercial areas directly east that generate a high volumes of traffic for the relatively constricted road network.
Desired Character

The Desired Character Statement of the Residential (Blackwood Urban) Zone states the following:

“The character of the Zone should continue to reflect its hills context where natural features, particularly vegetation, and a relatively informal and uncluttered pattern of development and built form dominate. Within this context, the density of new development, whilst higher than existing detached dwelling sites, should be limited and carefully controlled to ensure both an appropriate mix of housing and retention of the natural and open character of the area”.

The land division that seeks to create allotments of 441 square metres is considered to be sufficient to enable the suitable siting a reasonable sized dwelling whilst maintaining space around the buildings as sought by Council’s Development Plan. The subject land is located within close proximity of the District Centre Zone, which is an appropriate area to encourage smaller allotment sizes that will not detract from the open and landscape character of the area. As a result the proposal is considered to be consistent with the Desired Character of the Residential (Blackwood Urban) Zone.
Pattern of Division

The establishment of medium density residential development in proximity to the District Centre at Blackwood, public transport routes and areas of public open space is encouraged by Council Wide Objective 16 of Council's Development Plan. It is considered that this site is an ideal location to meet this Objective. The adjoining sites to the south and east of the subject land are located within the District Centre Zone that results in a large range of services and shopping areas being located within close proximity of the subject land. The site is also within walking distance of the main bus routes that are located along Shepherds Hill Road and Main Road.

The allotments to be created will have frontage to Young Street, which is considered to be consistent with the pattern of development in the direct locality. The existing allotments along Young Street have frontages ranging from six metres (hammerhead allotment) up to 38 metres with the average being around 20 metres. Whilst the proposed allotments will have frontages that will be narrower than most, the 16 metre frontages proposed complies with Council Wide Principle of Development Control 16 that seeks a minimum frontage of 15 metres for detached dwellings.

Similarly in terms of allotment size the proposed land division will create allotments of a smaller size than others located along Young Street, however the proposal is not considered to detrimentally affect the existing pattern of division within the locality. Allotments located closer to Waite Street display different characteristics in regards to allotment size and depth than those allotments further west given they are located within the Residential (Blackwood Urban) Zone as opposed to the Residential (Hills) Zone. These allotments within close proximity of the subject site and located in the same Zone are much shallower in terms of their depth and have an average site area of around 600 square meters.

Extract from Map Mit/20 of Council's Development Plan showing the location of the site in relation to Zone boundaries. The subject land is hi-lighted in yellow.
In looking more broadly throughout the areas of the Residential (Blackwood Urban) Zone, it is considered that the pattern of development within these residential areas adjacent the Commercial and District Centre Zones would primarily consist of units located on small land holdings of approximately 150 - 350 square metres.

The proposed land division will create allotments smaller than existing allotments within the nominated locality, however given the nominal departure from the required land area sought by the Zone provisions, it is not considered to be unreasonable. Having regard for the above, it is considered that the proposal is very consistent with the pattern of development both within the direct locality as well as more widely within the Residential (Blackwood Urban) Zone.

**Proposed Land Use**

Council Wide Principles of Development Control 43, 44 and 48 seek to ensure that land division allows for appropriate dwellings to be sited on the new allotments. A corresponding land use application has also been lodged to construct two detached dwellings on the sites (080/61/2015). Whilst still under assessment, the proposed land division is considered to satisfy Council Wide Principle of Development Control 16(a) that seeks that a detached dwelling site should be capable of containing a rectangular space measuring not less than 10 metres by 15 metres which is suitable for the construction of a dwelling sited in accordance with the provisions of the Development Plan.

The land use application contemplates the existing vehicle access point from Young Street being retained to provide access to Allotment 51, and a new cross over being provided from Waite Street adjacent to the southern boundary of the site. There are no impacts to existing street trees located on the road reserve that will be affected by the proposed vehicle access point. Therefore the three mentioned Principles of Development Control are considered to be reasonably satisfied.

**Demolition**

The applicant has confirmed that the existing dwelling will be demolished prior to the issue of the titles to ensure that the development does not contravene the Building Code of Australia by having a building straddling a property boundary. An application for demolition has been received and approved by Council. The existing dwelling is not heritage listed nor are there any heritage listed properties within the immediate locality. Therefore there are no planning issues associated with the demolition of the existing dwelling.

**Landscaping**

Whilst there are a number of trees located on the site, the property is located within a high bushfire risk area and as a result all trees within 20 metres of an existing dwelling are not protected under the Development Act and can be removed without Council approval. The provision of suitable landscaping has been requested as part of the land use application for the sites to ensure that future development suitably addresses the Desired Character for the Zone. There are a number of Council owned street trees located along the Young Street property boundary which will be retained and not affected by the proposed land division.
Bushfire Protection

The site is located in a High Bushfire Risk Area as identified in Council’s Development Plan. Council Wide Principle of Development Control 61 states that land division within an area identified as being within a Bushfire Protection Area should be designed to make provisions for emergency vehicle access, continuous street pattern that avoids the use of cul-de-sacs and dead end road and a fire hazard separation Zone that isolates residential allotment from those areas that pose an unacceptable bushfire risk. The proposed land division does not alter the existing street layout and is located within 150 metres of major arterial roads that is capable of sufficiently catering for emergency vehicles. The site is not considered to abut land that poses an unacceptable bushfire risk, given that it is located in a more urbanised area of Blackwood. As such the proposed land division is considered consistent with the Development Plan requirements in relation to the division of land in a high bushfire risk area.

CONCLUSION

The proposed land division will create allotments that will be suitable for the future siting of two detached dwellings. Whilst the allotments being proposed are slightly undersized, this is not considered to be detrimental to the application. The allotments to be created are regular in their configuration and will have frontages exceeding the minimum requirement. The location of the site in relation to the District Centre Zone will ensure higher residential densities are provided in an appropriate location on allotments large enough to reinforce and protect the open character of the area.

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal on balance satisfies the relevant provisions of the Development Plan. The proposal is broadly consistent with the Desired Character of the Zone and will not detrimentally impact upon the amenity of the adjoining properties of the locality. Accordingly, the proposal warrants Development Plan Consent, Land Division Consent and Development Approval and subject to conditions.
RECOMMENDATION

A. The proposed development is not seriously at variance with the relevant Development Plan.

B. That the application by Strategy Urban Projects to DIVIDE LAND TO CREATE ONE(1) ADDITIONAL ALLOTMENT (1:2) at 11 Waite Street BLACKWOOD as detailed in Development Application No: 080/1703/2014 be GRANTED Development Plan Consent, Land Division Consent and Development Approval subject to the following conditions of consent:-

1) That the proposal must be developed in accordance with the details submitted to the Council and approved plans relating to Land Division Application Number 080/1703/2014 (080/D079/14) except where varied by the following conditions.

   Reason: To ensure the proposal is established in accordance with the plans and details submitted.

2) All rubbish, ruinous or dilapidated materials shall be removed from the land prior to the issuing of the new titles.

   Reason: To maintain and enhance the amenity of the locality

Land Division Requirements:

1) The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services.

   The alteration of internal drains to the satisfaction of SA Water is required. SEWER MAINS EXTENSION REQUIRED.

   On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or re-directed at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

2) Payment of $6488 into the Planning and Development Fund (1 allotment/s @ $6488 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked “Not Negotiable” and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.

3) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.
APPEALS UPDATE AS AT 25 FEBRUARY 2015
(Prepared: Amee Yardley on 25 February 2015)

PROPOSAL

To inform Panel Members of the status of outstanding appeals.

RECOMMENDATION

That the report be received for information only.
### APPEALS
Current as at 25 February 2015

<table>
<thead>
<tr>
<th>No</th>
<th>ERD No</th>
<th>Appl’n No</th>
<th>NAME</th>
<th>ADDRESS OF APPLICATION</th>
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<th>DESCRIPTION</th>
<th>PLANNER’S RECOMMENDATION</th>
<th>DAP DECISION</th>
<th>ERD COURT PROGRESS</th>
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<td>14-136</td>
<td>080/397/14</td>
<td>Wilhur Pty Ltd</td>
<td>5 North Parade Kingswood</td>
<td>May 14</td>
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<td>Approval</td>
<td>Authorised awaiting DAC Concurrence</td>
<td>DAC Concurrence received and consent issued 3 February 2015</td>
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<td>14-353</td>
<td>080/1183/14</td>
<td>G Yatzis</td>
<td>124 Springbank Road Clapham</td>
<td>Dec 14</td>
<td>Appeal against refusal</td>
<td>Approval</td>
<td>Refusal</td>
<td>Court Order Issued 20/2/2015 ATTACHMENT A</td>
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REPORTS OUTSTANDING, RESOLUTIONS NOT YET EFFECTED AND AUTHORISED APPLICATIONS TO ADMINISTRATION
(Prepared: Amee Yardley on 25 February 2015)

PROPOSAL

To inform members of reports and actions which have been requested and their current status.

BACKGROUND / DISCUSSION

At meetings of the Development Assessment Panel, reports or actions are often requested concerning certain items which must be submitted to subsequent meetings. The current status of these applications is recorded in the attached tables.

Also attached for Members’ information are the outcomes of applications that have been delegated to Administration to approve under authorised authority, subject to specified amended plans and/or conditions being met.

Attachment A is a table detailing the reports outstanding, resolutions not yet effected and a brief summary of their status.

RECOMMENDATION

That the report be noted.
CURRENT STATUS OF REPORTS REQUESTED OF THE DEVELOPMENT ASSESSMENT PANEL

as at 25 February 2015

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<tr>
<th>DATE</th>
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APPLICATIONS DEFERRED FROM THE DEVELOPMENT ASSESSMENT PANEL

as at 25 February 2015

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OUTCOME OF APPLICATIONS AUTHORISED TO ADMINISTRATION

as at 25 February 2015

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<th>PROPOSAL</th>
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<th>OFF.</th>
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<tbody>
<tr>
<td>3/7/2014</td>
<td>1215/13</td>
<td>1 Southern Avenue St Marys</td>
<td>Demolish existing dwelling &amp; shed, remove one(1) regulated tree, construct a warehouse with associated office, carpark, landscaping &amp; signage (non-complying)</td>
<td>Amended plans received 17 February 2015. Currently being reviewed</td>
<td>CM</td>
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