NOTICE OF MEETING

NOTICE is hereby given of the following Meeting to be held in the Council Chambers, 131 Belair Road, Torrens Park on Thursday, 7 November 2019 commencing as follows:-

- Council Assessment Panel will commence at 6.30 pm

TIM PRIDE
ACTING ASSESSMENT MANAGER
AGENDA

FOR THE

COUNCIL ASSESSMENT PANEL

TO BE HELD ON

THURSDAY 7 NOVEMBER 2019

COMMENCING AT 6:30PM
MEETING OF THE COUNCIL ASSESSMENT PANEL TO BE HELD IN THE COUNCIL CHAMBERS, 131 BELAIR ROAD, TORRENS PARK ON THURSDAY, 7 NOVEMBER 2019 AT 6:30PM.

MEMBERSHIP: David Billington (Presiding Member), Steve Hooper, Michael Osborn and Rebecca Rutschack

CR: Andrew Tilley  CR: Yvonne Todd (Deputy for Cr Tilley)

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TIM PRIDE
ACTING ASSESSMENT MANAGER
MEETING OF THE COUNCIL ASSESSMENT PANEL TO BE HELD IN THE COUNCIL CHAMBERS, 131 BELAIR ROAD, TORRENS PARK ON THURSDAY, 7 NOVEMBER 2019 AT 6:30PM.

MEMBERSHIP:
David Billington (Presiding Member), Steve Hooper, Michael Osborn and Rebecca Rutschack

CR: Andrew Tilley CR: Yvonne Todd (Deputy for Cr Tilley)

1. PRESENT

2. APOLOGIES

3. ABSENT

4. CONFIRMATION OF MINUTES
   That the Minutes of the Council Assessment Panel Meeting held on 3 October 2019 be confirmed.

5. DISCLOSURE OF PECUNIARY INTERESTS

6. DISCLOSURE OF INTERESTS
7. CATEGORY 3 NOTIFIED APPLICATIONS

7.1 76 HIGHLAND DRIVE BELLEVUE HEIGHTS

1. Snapshot

<table>
<thead>
<tr>
<th>Author:</th>
<th>Sean Elliott</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal:</td>
<td>Dwelling Alterations &amp; Additions (Teenagers Retreat), Above Ground Swimming Pool, Safety Barrier, Raised Deck Incorporating Timber Slat Privacy Screen, Stairs, Balustrade &amp; Associated Earthworks</td>
</tr>
<tr>
<td>Development Number:</td>
<td>080/0429/19</td>
</tr>
<tr>
<td>Date of Lodgement:</td>
<td>06/05/2019</td>
</tr>
<tr>
<td>Owner:</td>
<td>Ms A Rodger &amp; Mr J B Todd</td>
</tr>
<tr>
<td>Applicant:</td>
<td>James Beattie Todd</td>
</tr>
<tr>
<td>Location:</td>
<td>76 Highland Drive BELLEVUE HEIGHTS SA 5050</td>
</tr>
<tr>
<td>Zone:</td>
<td>Residential (Hills) Zone [Mit/18]</td>
</tr>
<tr>
<td>Application type:</td>
<td>Merit</td>
</tr>
<tr>
<td>Public Notification Category:</td>
<td>Category 3</td>
</tr>
<tr>
<td>Representations Received:</td>
<td>1</td>
</tr>
<tr>
<td>Internal Referrals:</td>
<td>Nil</td>
</tr>
<tr>
<td>External Referrals:</td>
<td>CFS</td>
</tr>
<tr>
<td>Development Plan:</td>
<td>Consolidated 20 February 2018</td>
</tr>
<tr>
<td>Delegation:</td>
<td>CAP – Category 3 application where a representor wishes to be heard by the Council.</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>To Grant Development Plan Consent subject to conditions</td>
</tr>
</tbody>
</table>

2. The Subject Land

<table>
<thead>
<tr>
<th>Subject Land Attributes</th>
<th>Easements</th>
<th>Encumbrances</th>
<th>LMAs</th>
<th>Residential Code</th>
<th>Connected to SA Water sewerage/ mains</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>1182m²</td>
<td></td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Frontage</td>
<td>21.44m</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gradient</td>
<td>Substantial</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Watercourse / Flood Prone Land</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State / Local Heritage</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Bushfire Prone Area</td>
<td>High Bushfire Risk Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

There is currently a two-storey detached dwelling on the land, exhibiting a relatively conventional design. The dwelling is setback approximately 19 metres from the front property boundary.

From the street the land presents a substantial slope downwards to the western corner. The front of the allotment is informally landscaped with trees and shrubs of varying species, maturity and size.

There is an encumbrance on the land to Bellevue Realty LTD.
3. The Locality

Extent of Locality

The locality is typical of the Residential (Hills) Zone, comprising large allotments accommodating detached dwellings on undulating land.

Informally landscaped front yards and lack of fencing forward of dwellings attributes to an open and natural character.

The sloping nature of the locality means dwellings are either two-storey or split level. One particular architectural form does not dominate due to the construction of dwellings over various eras.

4. The Proposal

The proposed application is for dwelling alterations and additions and the construction of a raised deck incorporating a swimming pool.

The dwelling alterations and additions are to convert the existing lower level storage area into a ‘teenagers retreat’. The retreat will include a bedroom, bathroom, lounge and kitchenette. The only changes to the external appearance of the lower level are a window to the street elevation and a new door to the north-west side elevation.
The deck will be located adjoining the north-west side of the dwelling setback 1.2 metres from the north-west side boundary. The deck is to be level with the front façade of the dwelling. The deck will have a total area of 136 square metres and range in height from one metre to three metres from natural ground level. Timber slat screening to a height of 1.7 metres will run along the north-west side of deck from the rear for a length of 11 metres. A one metre high glass balustrade will run for the remaining length of the deck and along the front elevation.

Included along the front elevation is a roller door to accommodate a carport under the deck and a privacy gate. Access stairs to the deck will be located forward of the dwelling.

The swimming pool is to be partially above ground and located towards the rear section of the deck, setback 2.2 metres from the north-west side boundary. The swimming pool will be oval in shape, with a length of 8.2 metre and width of 3.6 metres.

The pool is to be to be cut into the land. No filling is proposed.

5. Procedural Matters

5.1 Classification

The elements of the proposal are not listed as a complying or non-complying form of development in Council's Development Plan or in the Development Regulations.

As such the proposal has been determined to be a merit form of development.

5.2 Public Notification

The application is a Category 3 form of development pursuant to Section 38 and Schedule 9 of the Development Act and Regulations.

One representation was received during the public notification period. They support the application but have some concerns.
Location of Representors

A summary of concerns is detailed in the below table.

<table>
<thead>
<tr>
<th>Representor Address</th>
<th>Support / Oppose</th>
<th>Request to be heard (y/n/ns)</th>
<th>Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>78 Highland Drive, Bellevue Heights</td>
<td>Support with concerns</td>
<td>Yes</td>
<td>Position, distance, weight and effect on structural integrity of adjacent dwelling</td>
</tr>
</tbody>
</table>

The applicant’s response to the representations can be found in Attachment C.

It is noted the structural adequacy of the proposal is not determined at the Planning Consent stage. Rather, it is assessed as part of a Building Rules Assessment. As a result, it is not discussed further in the body of the report. Whilst this has been explained to the representor, they did not wish to withdraw their request to be heard by CAP.

5.3 Referrals

5.3.1 External

The proposal was referred to the South Australian Country Fire Service (CFS) pursuant to Schedule 8 of the Development Regulations 2008 due the subject site being located in a High Bushfire Area.

The CFS raised no objection to proposed development.
6. **Key Issues**

The following matters are considered pertinent in reaching a recommendation for the proposal:

- The bulk and scale of the proposed deck and its impact on the character and amenity of the area.

7. **Assessment**

7.1 **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.

7.2 **The bulk and scale of the proposed deck and its impact on the character and amenity of the area.**

The Desired Character of the Zone states:

…the area has developed a unique 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 area as a whole to maintain a distinctive natural character.

Further stating:

It is desirable that the existing open and landscape character of land within the zone be retained.

Except for the carport door to the front, the structure is open sided. There is no change to the existing setbacks of the building and space around the structure is still provided. The structure will be in place of an existing car parking area / access way to the rear yard that is not vegetated. As such, it is not considered the proposed structure is at odds with the Desired Character.

As there is no clearance of vegetation and minimal change to the topography of the land, the structure is considered consistent with points (b) to (h) of PDC 6 of the Residential (Hills) Zone.

It is recognised that the proposed deck is a significant structure located adjacent the boundary. PDC 6(a) for the Residential (Hills) Zone states:

Development should be designed and sited to relate to the slope of the land and the natural character of the area so that:

(a) the bulk and scale of buildings respond to, rather than dominate, the natural landscape

The area where the deck is being proposed preserves little characteristics of the natural landscape. It contains a multitude of structures including retaining walls,
paving, fencing, staircase and a section of the dwelling, it is partially benched, un-vegetated and serves as a subsidiary parking area / access point.

Whilst the structure is large the open sided nature of the structure helps appropriately reduce the bulk and scale impacts. Further, whilst it doesn't totally respond to the slope of the land, the only physical change to the slope is the cut as a result of the pool.

Any structure proposed on the north western side of the existing dwelling on the site has the potential to result in bulk and scale impacts to the neighbouring property at 78 Highland Drive. This is because the neighbouring dwelling at 78 Highland Drive is setback approximately 12 metres from the existing dwelling on the subject site and is on the lower side of the slope.

The below photo shows the existing situation:

Only the front portion of the deck is 3 metres in height. This is due to the varying slope. The deck height decreases the further it goes into the site. The upper-storey roof line will not be extended above the deck, reducing the perceived height. Further, the open sided nature offers extended site lines, which help retain the open and natural feel.

It is not considered an open sided structure adjacent the front yard of an adjoining property will adversely impact upon the amenity of the neighbouring property.

Any privacy concern is removed by virtue of the deck looking out to the front yards of adjoining properties or by the proposed privacy screen. Further, there
will be no change to the views currently enjoyed by the site on to adjoining properties.

The proposed structure is not considered to unreasonably detract from the existing streetscape character. The only component forward of the existing dwelling is the access stairs.

The undulating nature of the land and existing vegetation and structures help limit visibility of the site when travelling along Highland Drive. It is only readily visible when viewed immediately in front of the subject land.

In light of the above, it is not considered to structure will have an unreasonable impact on the character and amenity of the area consistent with Council Wide PDC 67.

8. Conclusion

The proposed deck is considered reasonable in terms of bulk and scale and is not considered to unreasonably impact on the existing streetscape character.

The structural adequacy of the deck, pool and other associated structures is assessed during the Building Rules Assessment.

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 suitably accords with the relevant provisions of the Development Plan. The proposal is consistent with the Desired Character and will not detrimentally impact on the amenity of adjoining properties and the locality exhibiting sufficient merit to warrant consent.

9. Recommendation

That pursuant to the authority delegated to the Council Assessment Panel by the Council, it is recommended that the Council Assessment Panel:

1. DETERMINES that the proposed development is not seriously at variance with the policies in the City of Mitcham Development Plan; and

2. GRANTS Development Plan Consent to the application by James Beattie Todd for Dwelling Alterations & Additions (Teenagers Retreat), Above Ground Swimming Pool, Safety Barrier, Raised Deck Incorporating Timber Slat Privacy Screen, Stairs & Balustrade at 76 Highland Drive BELLEVUE HEIGHTS SA 5050, as detailed in Development Application No. 080/0429/19 subject to the following conditions and advisory notes:

Development Plan consent Conditions:

1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 080/1577/18 and more specifically the following plans;

   - Site Plan – Enrico Catalano Architect – Project No. EC19-06 – Drawing No. 01 – Revision A – 06/04/19
- Ground Floor Plan – Enrico Catalano Architect – Project No. EC19-06 – Drawing No. 01 – Revision B – 06/04/19
- Upper Floor Plan & Front Elevation – Enrico Catalano Architect – Project No. EC19-06 – Drawing No. 02 – Revision B – 06/04/19
- Elevations – Enrico Catalano Architect – Project No. EC19-06 – Drawing No. 03 – Revision B – 06/04/19
- North-Western Elevation Section Plan depicting area of cut
- Email from James Todd – detailing level of cut and fill – Sent 6 August 2019
- Email from James Todd – detailing vegetation – Sent 7 June 2019

Except where varied by any condition(s) listed below:

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

Conditions Pursuant to Section 33 1(c) as directed by the Country Fire Service (CFS)

2. **ACCESS TO HABITABLE BUILDING**

SA CFS notes the proposed development is sited less than 30 metres from the public road.

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

**WATER SUPPLY**

Where a water storage facility is required to have a fire authority fitting, the following will apply:-

- Water supply outlet shall be easily accessible and clearly identifiable from the access way, that is a distance of no greater than 30 metres from the proposed habitable building. Stand alone tanks shall be identified with the signage ‘WATER FOR FIRE FIGHTING’ and the tank capacity written in 100mm lettering on the side of each tank and repeated so that the sign is visible from all approaches to the tank. The sign shall be in fade-resistant lettering in a colour contrasting with that of the background (ie blue sign with white lettering.)
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent to the water supply for a flat hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
- A gravity fed water supply outlet may be remotely located from the tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.

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

VEGETATION

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

i. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
ii. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
iii. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height.
iv. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
v. No understorey vegetation shall be established within 1 metre of the dwelling (understorey is defined as plants and bushes up to 2 metres in height).
vi. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves
vii. The VMZ shall be maintained to be free of accumulated dead vegetation during the fire danger season.

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

Notes

Council advises that in accordance with the Environment Protection (Noise) Policy 2007 it is the owner/occupiers responsibility to ensure that the pool equipment does not emit noise levels greater than 45dB(A) between 10pm and 7am the next day, or greater than 52 dB(A) between 7am to 10 pm, when measured at the receivers.
Attachments:

A. CT & Plans
B. Representations
C. Applicant's Response to Representations
D. External Referrals
Certificate of Title - Volume 5363 Folio 998

Parent Title(s)  CT 2739/136
Creating Dealing(s)  PS 8140642
Title Issued  24/09/1996  Edition 7  Edition Issued  05/02/2016

Estate Type
FEE SIMPLE

Registered Proprietor
JAMES BEATTIE TODD
ARLENE RODGER
OF 76 HIGHLAND DRIVE BELLEVUE HEIGHTS SA 5050
AS JOINT TENANTS

Description of Land
ALLOTMENT 128 DEPOSITED PLAN 4773
IN THE AREA NAMED BELLEVUE HEIGHTS
HUNDRED OF ADELAIDE

Easements
NIL

Schedule of Dealings
Dealing Number  Description
2182795  ENCUMBRANCE TO BELLEVUE REALTY LTD. (SINGLE COPY ONLY)
12459282  MORTGAGE TO HSBC BANK AUSTRALIA LTD. (ACN: 006 434 162)

Notations
Dealings Affecting Title  NIL
Priority Notices  NIL
Notations on Plan  NIL
Registrar-General's Notes  NIL
Administrative Interests  NIL
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<tr>
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</tr>
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<tr>
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<td>080442919 LISA</td>
</tr>
<tr>
<td>Order ID</td>
<td>20190806003905</td>
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</table>

![Diagram](image-url)
49,000 litre capacity

ew doors

ew window

macerator pump to existing sewer point shown dashed

GROUNDFLOOR PLAN 1:100@A3
ITEM 7.1 - ATTACHMENT A

NORTH-WEST ELEVATION 1:100@A3

- New timber slat screening to 1700mm height
- New doors
- New glass balustrade to 1000mm height
- Deck framing as per engineer's details
- Pool shown dashed

NORTH-EAST ELEVATION 1:100@A3

- New timber slat screening to 1700mm height
- New glass balustrade to 1000mm height

SOUTH-EAST ELEVATION 1:100@A3
JUNCTION OF IMPERVIOUS WALL & IMPERVIOUS FLOOR
(not to scale)

IMPERVIOUS JUNCTION OF FIXTURE & IMPERVIOUS WALL
(not to scale)

SECTION THROUGH TILED SURFACES
(not to scale)

WATERPROOFING OF TIMBER TO TIMBER WALL JUNCTIONS
(not to scale)

SHOWER BASE SETDOWN & FLOOR GRADIENTS
(not to scale)

WET AREA DETAILS

PLANNING & BUILDING
NEW RETREAT,
POOL, DECK, STAIR,
CARPORT AND ENTRY

JAMES & ARLENE TODD
WET AREA DETAILS

ENRICO CATALANO ARCHITECT

B
NORTH-WEST ELEVATION 1:100@A3

new glass balu:
to 1000mm he
Hi Sean, I would prefer not to retain earth if possible.

With this in mind, cutting into the land would equate to the following:

Pool size 8m x 3m x 1.8

Earth to be removed 8m x 3m x 1m \( \div 2 = 12 \) cubic meters.

As you know the land drops off from north to south, but it also drops off from east to west. I haven’t included east to west in my calculations so the amount of earth removal would be less than 12 cubic meters.

Is this what your looking for?

Regards

James

Sent from my Samsung Galaxy smartphone.

-------- Original message --------
From: Sean Elliott <selliot@mitchamcouncil.sa.gov.au>
Date: 6/8/19 3:59 pm (GMT+09:30)
To: James Todd <jim.todd@hotmail.com>
Subject: RE: Application update - 76 Highland Avenue Bellevue Heights

Hi James,

At this stage you shouldn’t need an engineer to determine how the pool is going to sit there.

Yourself and/or your designer should be able to determine if the land needs to be filled or cut away to accommodate the pool, and to what height the land will need to be cut or filled. The engineering for your chosen method would need to be provided at the Building Rules Consent stage.

Council needs to understand how you intend to alter the land to accommodate the flat section for the pool to stand on. This is because certain methods might constitute development. For example any retaining wall over 1 metre
Sean Elliott

From: James Todd
Sent: To: Subject: Attachments:

Follow Up Flag: Follow up Flag Status: Flagged

Sean,

the area shown on the drawings to have foliage will be potted plants only. There is an existing tree but there are no plans to remove this. Please advise if this notation is all you need to proceed, or provide clear instructions of what you would need to progress further.
DEVELOPMENT ACT, 1993

STATEMENT OF REPRESENTATION - CATEGORY 3

This sheet provides you with the opportunity to make comments in relation to the proposed development.

To: Chief Executive Officer - City of Mitcham
   via email: mitcham@mitchamcouncil.sa.gov.au
   via post: PO Box 21 Mitcham Shopping Centre TORRENS PARK SA 5062

Attention: Sean Elliott – 8372 8807

Development No: 080/0429/19 - 76 Highland Drive BELLEVUE HEIGHTS SA 5050
Closes: 5.00PM – 24 June 2019

Your details

Name: Pieter Hebold
Address: 78 Highland Drive BELLEVUE HEIGHTS 5050
Email: pieterhebold@hotmail.com Phone: 0401 686 534

Nature of interest affected by development (e.g. adjoining resident, owner of land or an organisation or company):
ADJOINING RESIDENT

Please indicate in the appropriate box below whether or not you wish to be heard by Council in respect to this submission (this will be at the discretion of the chairperson).

I / we: (tick one option below)
☐ Support Proposed Development
☒ Support Proposed Development with some concerns
☐ Oppose Proposed Development
☐ I DO NOT wish to be heard
☐ I desire to be heard by the Council Assessment Panel* personally/or I will be represented by:
   PERSON TO BE NOTIFIED

*The Council Assessment Panel meeting is held on the first Thursday of every month

Reasons for comment: (attach additional page(s) if required)

CONCERNS OF POSITION, DISTANCE, WEIGHT AND EFFECT ON STRUCTURAL INTEGRITY OF ADJACENT DWELLING PLEASE SEE ATTACHED

My concerns would be overcome by (state action sought): COUNCIL ENDORSED

ENGINEERING REPORT GUARANTEES STRUCTURAL INTEGRITY OF DWELLING AT 78 HIGHLAND DRIVE POST POOL CONSTRUCTION

Please note that a copy of this objection will be forwarded to the applicant.

You may have a right under Section 86(1)(f) of the Development Act 1993 to apply to a court to review the Council's decisions as to the nature of the development, whether the development is seriously at variance, the status of the development (complying, non-complying), and the category of the development (1, 2A, 2, 3, or no category), and any other decision that is relevant to Section 35 of the Development Act 1993. These rights of review are subject to quite short time limits.

The Council cannot advise you as to your rights nor court processes, and recommends that you promptly seek professional advice from a town planning consultant or lawyer experienced in such matters if you are interested in exercising any right of review.

SIGNED: DATE:

Action - DA – Statement of Representation
Chief Executive Office\tCity of Mithham  
131 Blair Road  
Torrens Park SA 5062

Development No: 080/0429/19,  
76 Highland Drive Bellevue Heights SA 5050

To whom it may concern:

There are a number of concerns in regard to the proposed development; no 080/0429/19.

I live at No 78 Highland Drive Bellevue Heights. This is the housing block one down the hill on Highland Drive from No 76.

The hill in question, Highland Drive, at that particular point of Highland Drive, where no’s 76 and 78 are, is at a 20 % gradient.

The shared boundary is on the western side of the plans submitted.

The dwelling at no 78 was constructed approximately 600 mm, that is 60 cm, to the west of the boundary in question.

The proposed development is to include a 49000 litre pool adjacent to the boundary mentioned, between the respective dwellings at no 76 and no 78.

These houses are built on the hill of Highland Drive. No 78 is on the lower section of the hill than no 76.

The house at no 78, in the area of the proposed pool, is between approximately 1.5 meters, and 2 meters lower than no 76.

The earth between the respective houses sits against the eastern wall, the rear wall of the residence at no 78. This is adjacent to the shared boundary on the western side of the submitted plans. The area of the proposed pool development.

The plan indicate that the pool is proposed to be built 1.2 meters from, presumably, the shared boundary, and not the dwelling at no 78, although this is not clear in the drawings.

The area between the houses is, according to the drawings, approximately 8.7 meters.
In this 8.7 meter space the proposal is to place an above ground pool, 1.8 meters from the Eastern wall of the house at no 78, approximately 2 meters above the floor level of no 78, of a volume of 49000 litres.

As one litre of water weighs one kilo, the weight of 49000 litres of water, the weight of the proposed pool will be 49000 kilos.

As the land slopes to the west, and because the house at no 78 is built much lower than no 76, and the weight of the current soil in this area sits against the house wall of no 78, the proposed pool weight will also sit against that house wall.

The house at no 78 was built in the early 60's.

I am unsure of the engineering behind the wall adjacent to the proposed development, the wall where the current earth sits against, but I am reasonably certain it was not engineered to hold 49 tonnes of weight the proposed plans indicate.

There are no engineering plans accompanying the proposal that could ensure the structural integrity of the adjacent building.

At a minimum I would suggest that a council approved structural engineer inspect the area to assure the 49 tonnes of additional weight can be supported appropriately, assuring there could be no possability of a land shift or other action that could affect the structural integrity of the building at no 78.

Alternatively the pool could be moved closer to Highland drive, to the south, away from both houses, removing risk to the current structures.

If the pool must be in the proposed position, an engineered retaining wall, rated to hold the additional 49 tonnes of the pool weight be constucted along the boundary between the properties prior to any other building work commencing.

In addition;

I am of the belief that there is a caveat on properties in Bellevue Heights. I understand the caveat states there were to be no dual dwellings constructed on properties in the area.

The difference between the proposed ‘teenager retreat’ and any other dual dwelling situation would be an interesting debate.

Without prejudice

Pieter Herbold
City of Mitcham

Development No: 080/0429/19

76 Highland Drive, Bellevue Heights, SA 5050

In response to concerns raised by Mr P Herbold, 78 Highland Drive.

We have stated in the plan that 49000 litres of water will be required for the pool, but after discussions with pool manufacturers it is likely to be approx 34000 litres of water.

The above ground swimming pool is manufactured within Australia and engineered to hold its contents on its own merit. In addition to this, all Australian made swimming pools come with 25 years structural warranty. The decked area surrounding the swimming pool will be supported by columns, the dimensions of which are yet to be determined by a structural engineer. It is our intention to utilise these columns to provide an additional barrier.

It is our wish for the pool to be situated as close to 76 Highland drive as possible. The presumed measurements from the western wall of 76 Highland Drive to pool structure is estimated to be 1000mm. This is to be confirmed by experts in this field, and approved by council. The pool width is estimated to be 3500mm, this would mean the distance between the eastern wall of 78 Highland Drive and pool structure would be around 4200 mm.

The swimming pool will also be plumbed to provide CFS with immediate access should it be required as we are located in an increased risk bushfire area.
24 July 2019

City of Mitcham
PO Box 21
TORRENS PARK  SA  5062

ATTN: S ELLIOTT

Dear Sean,

RE: DEVELOPMENT APPLICATION (PLANNING ASSESSMENT) – TODD
76 HIGHLAND DRIVE, BELLEVUE HEIGHTS

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

Minister’s Code 2009 “Undertaking development in Bushfire Protection Areas” (as amended October 2012) Part 2.1 states “When submitting an application it is important to remember that the information provided with an application forms the basis upon which the application will be assessed. If the information is inadequate or insufficient (incomplete, incorrect), the application may be delayed.”

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

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

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

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

ACCESS TO HABITABLE BUILDING

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

SA CFS notes the proposed development is sited less than 30 metres from the public road.

WATER SUPPLY

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

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

- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.

- Provision shall be made adjacent to the water supply for a flat hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.

- SA CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.

- A gravity fed water supply outlet may be remotely located from the tank to provide adequate access.

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

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

VEGETATION

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

- A vegetation management zone (VMZ) shall be maintained within 20 metres of the dwelling (or to the property boundaries – whichever comes first) as follows:
  i. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
  ii. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
  iii. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height.
  iv. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
  vi. No understorey vegetation shall be established within 1 metre of the dwelling (understorey is defined as plants and bushes up to 2 metres in height).
  vii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves
  viii. The VMZ shall be maintained to be free of accumulated dead vegetation during the fire danger season.
Compliance with the fire protection requirements is not a guarantee the habitable building will not burn, but its intent is to provide a ‘measure of protection’ from the approach, impact and passing of a bushfire.

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

Yours sincerely,

[Signature]

LEAH BERTHOLINI

BUSHFIRE SAFETY OFFICER
DEVELOPMENT ASSESSMENT SERVICE

cc:
8. CATEGORY 2 NOTIFIED APPLICATIONS

8.1 200 BELAIR ROAD, HAWTHORN

1. Snapshot

| Author:     | Brendan Fewster                      |
| Proposal:   | Change of use from office/training centre to fitness studio (gym) |
| Development Number: | 080/1025/19                       |
| Date of Lodgement: | 9 September 2019                  |
| Owner:      | Belhaw Pty Ltd                      |
| Applicant:  | Efm Health Clubs                    |
| Location:   | 200 Belair Road HAWTHORN SA 5062    |
| Zone:       | District Centre [Mit/5]             |
| Application type: | Merit                             |
| Public Notification Category: | Category 2                       |
| Representations Received: | Yes - Four (4)                   |
| Internal Referrals: | N/A                               |
| External Referrals: | N/A                               |
| Development Plan: | Consolidated 20 February 2018     |
| Delegation: | CAP – Category 2 application where a representor wishes to be heard |
| Recommendation: | To Grant Development Plan Consent subject to conditions |

2. Background

2.1 Previous Development Applications

<table>
<thead>
<tr>
<th>Application no.</th>
<th>Description of development</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>080/1364/13</td>
<td>Erect a freestanding sign</td>
<td>Approved</td>
</tr>
<tr>
<td>080/1564/07</td>
<td>Erect signage</td>
<td>Approved</td>
</tr>
<tr>
<td>080/1805/05</td>
<td>Change of use to office and training centre</td>
<td>Approved</td>
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</table>

3. The Subject Land

<table>
<thead>
<tr>
<th>Subject Land Attributes:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>800m²</td>
</tr>
<tr>
<td>Easements</td>
<td>No</td>
</tr>
<tr>
<td>Street Frontage</td>
<td>10.95m</td>
</tr>
<tr>
<td>Encumbrances</td>
<td>No</td>
</tr>
<tr>
<td>Watercourse / Flood Prone Land</td>
<td>Yes</td>
</tr>
<tr>
<td>LMAs</td>
<td>No</td>
</tr>
<tr>
<td>State / Local Heritage</td>
<td>No</td>
</tr>
<tr>
<td>Residential Code</td>
<td>No</td>
</tr>
<tr>
<td>Bushfire Prone Area</td>
<td>No</td>
</tr>
<tr>
<td>Connected to SA Water sewerage/mains</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The subject land is situated on the western side of Belair Road and is immediately adjacent to the intersection of Princes Road in Hawthorn.

The land comprises one allotment that is formally described as Allotment 112 in Deposited Plan 13423, Certificate of Title Volume 6192 Folio 783. While there are no
encumbrances or Land Management Agreements registered on the Certificate of Title, there is a right of way along the northern side of the allotment and to the rear which reflects the shared access and car parking arrangements between the subject land and the adjoining property at no. 202 Belair Road.

The land is a rectilinear shape with a frontage of 10.95 metres to Belair Road, a depth of some 73 metres and total area of approximately 800 square metres. The land topography is naturally flat with most of the land having been built upon or paved.

Currently occupying the land is a two storey commercial building comprising a semi-basement level and upper level with a gross floor area of approximately 320 square metres. The building was previously used as an office and training centre and is currently vacant.

The subject land is accessed via a single width crossover and driveway that is located between the existing building and the adjoining supermarket building (Aldi) and has reciprocal access rights over no. 202 Belair Road for entry and egress.

There are no regulated or significant trees on the subject land.

4. **The Locality**

**Extent of Locality**

The locality is primarily commercial in land use and built form character, which is derived from a mix of uses along Belair Road that includes small and large scale retail,
restaurants, indoor recreation and offices. There are several large two and three
buildings such as the Mitcham Shopping Centre to the south-east, the Torrens Arms
Hotel and office/retail building on the eastern side of Belair Road and the Aldi
Supermarket that adjoins the subject land to the north.

Immediately north and west of the subject land is an established residential area that
includes single storey detached and group dwellings at relatively low densities.

The overall amenity of the locality is considered moderate to low due to the mix of land
uses, varying building heights and styles and the high volume and frequency of traffic
along Belair Road.

5. The Proposal

The proposal is seeking to change the use of the ground floor of an existing
commercial building from an office and training centre to a small fitness studio (gym).

The proposed fitness studio will have a gross floor area of approximately 163 square
metres that comprises a workout area, a small administration office, a store and
bathroom.

Operating hours will be between 6.00am 7.30pm Monday to Friday and between
7.00am and 4.00pm on Saturday and Public Holidays. A maximum of 14 patrons and
one staff member will be occupy the premises at any one time.

There is an existing at-grade car park at the rear of the building for at least 14 vehicles.

The relevant application documents are contained in Attachment A.

6. Procedural Matters

6.1 Classification

A fitness studio (gym) is defined by Schedule 1 of the Development Regulations
2008 as a small-scale indoor recreation centre:

indoor recreation centre means a building designed or adapted primarily for
recreation, but does not include a stadium or amusement machine centre

An indoor recreation centre or gym within the District Centre Zone is not listed as
a complying or non-complying form of development. As such, the proposal must
be assessed on its merits against the relevant provisions of the Development
Plan.

6.2 Public Notification

The application has been assigned Category 2 for the purposes of public
notification pursuant to clause 19 of Schedule 9 (Part 2) of the Development
Regulations 2008:

Except where the development falls within Part 1 of this Schedule, is within the
City of Adelaide, or is classified as non-complying development under the
relevant Development Plan, development of a kind referred to in clause 6 of this
Schedule (including a change of use of land of a kind referred to in that clause) where the site of the proposed development is adjacent land to land in a zone under the relevant Development Plan which is different to the zone that applies to the site of the development.

Four (4) representations were received during the notification period. Three of the representations oppose the development with one representation in support.

**Location of Representors**

<table>
<thead>
<tr>
<th>Representor Address</th>
<th>Support / Oppose</th>
<th>Request to be heard (y/n/ns)</th>
<th>Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>198 Belair Road, Hawthorn</td>
<td>Oppose</td>
<td>Yes</td>
<td>Car parking management (signage etc.)</td>
</tr>
<tr>
<td>202 Belair Road, Hawthorn</td>
<td>Oppose</td>
<td>No</td>
<td>Inadequate car parking</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Impacts on existing access</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Traffic safety concerns</td>
</tr>
<tr>
<td>202 Belair Road, Hawthorn</td>
<td>Oppose</td>
<td>Yes</td>
<td>Financial loss due to competition (not valid concern)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Impacts on existing access and car parking</td>
</tr>
<tr>
<td>89-91 Belair Road, Kingswood</td>
<td>Support</td>
<td>No</td>
<td>No concerns</td>
</tr>
</tbody>
</table>
The potential for financial loss to an adjacent business as a result of direct competition is not a valid planning matter.

No amendments to the proposal have been made in response to the representations.

A copy of the representations are contained in Attachment B and the applicant’s response to the representations is contained in Attachment C.

6.3 Referrals

No internal or agency referrals were required.

7. Key Issues

The following matters are considered pertinent in reaching a recommendation for the proposal:

- Whether the proposal is an orderly and desirable form of development within the District Centre Zone;
- Whether the proposed land use would adversely impact upon the amenity of existing residential properties within the locality; and
- Whether the existing access and car parking arrangements and road capacity would sufficiently cater for the anticipated traffic generation during peak periods.

8. Assessment

9.1 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.

9.2 Land Use/ Desired Character

The subject land is situated within the District Centre Zone of the Council Development Plan. Objective 1 and the zone supports “a range of shopping, administrative, cultural, community, office, entertainment, educational, religious and recreational facilities”. Within the Lower Mitcham and Torrens Park areas, such facilities should serve the “weekly needs of the residents” as envisaged by Objective 3 of the zone.

The proposal would change the use of an existing building (ground-level only) that is currently used as an office and training centre to a small-scale fitness studio. The fitness studio would provide a health and lifestyle service (i.e. recreational facility) on a site that is located near other day to day shopping facilities and with convenient pedestrian and public transport access.

With a gross floor area of only 160 square metres and maximum class numbers of 14, the proposed fitness studio is considered small-scale. The small-scale and low intensity of the use would ensure the development does not cause appreciable nuisance to nearby residential properties or generate significant traffic. These amenity-related impacts are considered in more detail below.
Furthermore, the proposal would contribute positively to the commercial vitality of the District Centre Zone by providing a use that would serve the needs of local residents, while also complementing larger scale shopping facilities.

When considered against the existing site and locality characteristics and the desired character for the District Centre Zone, the proposal is considered to be an orderly and desirable form of development from a land use perspective.

9.3 Built Form

As the proposal does not involve any external building work, the form and appearance of the existing building will not be altered. Only minor internal alterations would be required.

9.4 Interface and Amenity

As the subject land interfaces with existing residential properties immediately to the north and west (rear), Council Wide Principle of Development 14 seeks to ensure that new development is designed, located and operated in a manner that ‘minimises’ impacts upon the amenity of surrounding residents.

The proposal is considered low impact due to the following:

- The existing building is located near the road frontage and is well removed from residential properties;
- The floor area of the fitness studio is modest;
- No more than 14 patrons would attend classes at any one time;
- There is no requirement for deliveries to the site; and
- The applicant has confirmed that no amplified music would be played on the premises (background music only).

The main cause of disturbance is likely to come from vehicles accessing the site. While the proposal may generate more traffic than is currently the case, the increase in traffic movements would not be significant given that training classes would be capped at 14 patrons. This would result in a relatively small number of vehicles accessing the site and potential noise from patrons accessing the car park is likely to have less impact than the recurrent traffic noise from Belair Road. An Environmental Noise Assessment is not considered necessary in this instance.

As considered in the traffic and car parking section below, there is sufficient on-site car parking provided and capacity on the adjacent road network.

No commercial deliveries will be required as the proposed use does not involve the sale or consumption of any goods.

Accordingly, the proposal would not unduly impact upon the amenity of nearby residential properties and the locality by way of noise, dust, fumes, traffic or vibration.
9.5 Access, Traffic and Car Parking

Several of the representations have raised concerns with traffic safety as a result of increased traffic movements.

The existing vehicle access arrangements include a single driveway access from Belair Road along the northern side of the site and a single access along the southern side of no. 202 in the form of a reciprocal right of way. The access points allow vehicles to enter and egress the rear car park in a forward direction, and although the single width driveways may at times result in some minor inconvenience, the existing access arrangements are ‘lawful’ and considered satisfactory from a traffic safety perspective.

As the peak operation of the fitness studio would take place in the early mornings and evenings, the peak traffic times would not conflict with the adjoining offices at no. 202 Belair Road or other retail businesses within the immediate locality. This would further minimise any traffic-related impacts and car parking demands.

The existing car park at the rear of the building has provision for the parking of at least 14 vehicles. As the subject land is situated within 'Designated Area', Table Mit/9 prescribes a minimum car parking rate of 3 spaces per 100 square metres of gross leasable floor area. This equates to a theoretical demand of five spaces for the proposed fitness studio, which could be accommodated within the existing car park. There would also be sufficient parking availability for patrons of the upper level tenancy.

As the proposed fitness studio is likely to only generate a small amount of additional traffic, the proposed development would have a negligible impact on the capacity of the adjacent road network.

While no provision has been made for bicycle parking, there is sufficient space available for bicycle racks adjacent to the existing building.

Accordingly, the proposal would sufficiently meet the anticipated car parking demand and would not lead to conditions detrimental to the free flow and safety of pedestrian and vehicular traffic on the surrounding road network. The proposal is considered to satisfy Principle of Development Control 4 of the District Centre Zone and Council Wide Principle of Development Control 107, 108 and 109.

9. Conclusion

The proposed development is not considered to be seriously at variance with the City of Mitcham Development Plan.

Having regard to the small scale and low impact nature of the development and the existing land use characteristics of the locality, the proposal would be consistent with the Objectives of the District Centre Zone. In particular, the proposal:

- is a desirable and appropriate land use within the District Centre Zone;
would serve the weekly needs of residents within the surrounding area and is of a size and scale that would complement other businesses within the centre;

would not alter the appearance of the existing building, thus maintaining the prevailing streetscape;

would have no significant impacts upon the amenity of nearby residential properties; and

Is provided with sufficient on-site car parking so as not to lead to conditions detrimental to the free flow and safety of pedestrian and vehicular traffic within the site and on the adjacent road network.

Accordingly, the proposal warrants Development Plan Consent subject to conditions.

10. Recommendation

That pursuant to the authority delegated to the Council Assessment Panel by the Council, it is recommended that the Council Assessment Panel:

1. DETERMINES that the proposed development is not seriously at variance with the policies in the City of Mitcham Development Plan; and

2. GRANTS Development Plan Consent to the application by EFM Health Clubs for a change of use from office and training centre to fitness studio (gym) at 200 Belair Road, Hawthorne as detailed in Development Application No. 080/11025/2019 subject to the following conditions:

Development Plan consent Conditions:

1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 080/1025/2019 except where varied by any condition(s) listed below:

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

2. No amplified music (background music only) shall be played within the fitness studio at any time.

   Reason: To ensure minimal disturbance to surrounding properties.

3. The operation of the fitness studio shall be between the following times:

   - 6.00am and 7.30pm Monday to Friday; and
   - 7.00am and 4.00pm on Saturday and Public Holidays

   Reason: To ensure minimal disturbance to surrounding properties.
Attachments:

A. Plans
B. Representations
C. Applicants Response to Representations
Plan 200 Belair Road Hawthorn (003)

This drawing is for illustrative purposes only; it is not to scale and all measurements are approximate.
Smilja Novakovic

From: Peter Rohde <peter@efmit.net.au>
Sent: Monday, 2 September 2019 4:15 PM
To: Development
Cc: Smilja Novakovic
Subject: Change of use application - 200 Belair rd

Follow Up Flag: Follow up
Flag Status: Flagged
Categories: New DA

To whom it may concern.

Please find attached a further application for a change of use for the ground floor of 200 Belair rd Mitcham to be used as a Health Club.

I can also confirm that the normal hours of operation would be 6am till 10am and 4pm till 7.30pm weekdays and 7am till 10am Saturdays and Public Holidays. Between 10am and 4pm there may be some one on one fitness coaching occur.

The expected participants at the site at any time would be a maximum of 14 members and 1 staff member.
There are 16 Car parks at the rear of the building. Our members would be from the local community so some would walk/run to the Health Club and the rest would drive and park. Our peak operating times are 6am till 8am and 5pm till 7.00pm so it is not expected that we would be any impact on the parking capacity in the area.

There are currently two unused signed at the front of the site, we understand one of those has not been approved by the council (the one with the lighting behind it) therefore we would expect to use 50% of the other sign to promote our business.

Please let me know if you require any other information, I would be keen to meet with someone to ascertain exactly how this process will run. Time is of the essence to us, we where originally told by a staff member on the planning desk at Mitcham council that a change of use application would not be required as the site is within a designated precinct. Hence we are now running out of time as we need to relocate established business ASAP.

Regards

Peter

Peter Rohde
CEO
EFM Health Clubs
Office 39 Oxford Tce, Unley SA 5061
Post PO Box 3066, Unley SA 5061
Mobile 0414-808-999
Fax 08 8312-5543
Email peter@efm.net.au

Find us on Facebook www.facebook.com/EFMHealthClubs

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DEVELOPMENT ACT, 1993

STATEMENT OF REPRESENTATION - CATEGORY 2

This form provides the property owner/occupier of adjoining land to the proposed development the opportunity to make comments. Please be advised that no rights of appeal are afforded to you as a result of this objection.

To: Chief Executive Officer - City of Mitcham
via email: mitcham@mitchamcouncil.sa.gov.au
via post: PO Box 21 Mitcham Shopping Centre, TORRENS PARK SA 5062
Attention: Brendan Fewster – 8372 8807

Development No: 080/1025/19 - 200 Belair Road HAWTHORN SA 5062
Closes: 4 October 2019

Your details
The Resident
89-91 Belair Road
KINGSWOOD SA 5062

Name: .................................................................
Address: .................................................................

Email: .................................................................
Daytime Phone: .................................................................

Nature of interest affected by development (e.g. adjoining resident, owner of land or an organisation or company):

I/we (tick one option below)
☐ Support Proposed Development
☐ Support Proposed Development but have some concerns
☐ Oppose Proposed Development

I/we (tick one option below)
☒ I DO NOT wish to be heard
☐ I desire to be heard by the Council Assessment Panel* personally/or I will be represented by:

Reasons for comment: (attach additional page(s) if required)

My concerns would be overcome by (state action sought):

Please note that in accordance with Section 38(6) of the Development Act 1993, a copy of this representation will be forwarded to the applicant for their information and response. All information on this representation may be included in the Development Assessment Panel agenda and may be available for public inspection.

Please indicate in the appropriate box above whether or not you wish to be heard by Council in respect to this submission (this will be at the discretion of the chairperson).

You may have a right under Section 86(1)(f) of the Development Act 1993 to apply to a court to review the Council’s decisions as to the nature of the development, whether the development is seriously at variance, the status of the development (complying, merit, or non-complying), and the category of the development (1, 2A, 2, 3, or no category), and any other decision that is relevant to Section 35 of the Development Act 1993. These rights of review are subject to quite short time limits.

The Council cannot advise you as to your rights nor court processes, and recommends that you promptly seek professional advice from a town planning consultant or lawyer experienced in such matters if you are interested in exercising any right of review.

SIGNED: ___________________________ DATE: ___________________________
## DEVELOPMENT ACT, 1993

### STATEMENT OF REPRESENTATION - CATEGORY 2

This form provides the property owner/occupier of adjoining land to the proposed development the opportunity to make comments. Please be advised that no rights of appeal are afforded to you as a result of this objection.

**To:** Chief Executive Officer - City of Mitcham  
via email: mitcham@mitchamcouncil.sa.gov.au  
via post: PO Box 21 Mitcham Shopping Centre, TORRENS PARK SA 5062

**Attention:** Brendan Fewster – 8372 8807

**Development No:** 080/1025/19 - 200 Belair Road HAWTHORN SA 5062  
**Closes:** 4 October 2019

<table>
<thead>
<tr>
<th>Your details</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Resident</td>
</tr>
<tr>
<td>202 Belair Road</td>
</tr>
<tr>
<td>HAWTHORN SA 5062</td>
</tr>
<tr>
<td>Name: Steve Cox</td>
</tr>
<tr>
<td>Director of Fitness</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Email: <a href="mailto:steve@socialisminconsulting.com">steve@socialisminconsulting.com</a></td>
</tr>
<tr>
<td>Daytime Phone: 0423 29 8665</td>
</tr>
</tbody>
</table>

**Nature of interest affected by development (e.g. adjoining resident, owner of land or an organisation or company):** Adjoining...business

### I/we: (tick one option below)

- [ ] Support Proposed Development  
- [ ] Support Proposed Development but have some concerns  
- [x] Oppose Proposed Development

<table>
<thead>
<tr>
<th>I/we: (tick one option below)</th>
</tr>
</thead>
</table>
| [ ] I DO NOT wish to be heard  
[ ] I desire to be heard by the Council Assessment Panel** personally/or I will be represented by: |

**Reasons for comment:** (attach additional page(s) if required)  
We oppose the proposed development due to potential financial losses as a result of a direct competitor operating next door. We also have major concerns around increased gym traffic down our already busy driveway, and the impact on already limited car parking needs of us and our neighbouring businesses, especially at peak gym times. My concerns would be overcome by (state action sought): To not approve the change of use to a fitness studio/gym and therefore not allow such a business to operate from.

Please note that in accordance with Section 38(8) of the Development Act 1993, a copy of this representation will be forwarded to the applicant for their information and response. All information on this representation may be included in the Development Assessment Panel agenda and may be available for public inspection.

Please indicate in the appropriate box above whether or not you wish to be heard by Council in respect to this submission (this will be at the discretion of the chairperson).

You may have a right under Section 86(1)(f) of the Development Act 1993 to apply to a court to review the Council's decisions as to the nature of the development, whether the development is seriously at variance, the status of the development (complying, merit, or non-complying), and the category of the development (1, 2A, 2, 3, or no category), and any other decision that is relevant to Section 35 of the Development Act 1993. These rights of review are subject to quite short time limits.

The Council cannot advise you as to your rights nor court processes, and recommends that you promptly seek professional advice from a town planning consultant or lawyer experienced in such matters if you are interested in exercising any right of review.

**Signed:**  
[Signature]  
**Date:** 4/10/19
Dear Brendan,

Please refer to our attached statement of representation opposing the Category 2 development at 200 Belair Road (change of use from office/training centre to fitness studio).

Regards,
Steve

---

Steve Cox | Director Orangetheory Fitness

M: +61 423 298 655 | E: steve@socialismconsulting.com
DEVELOPMENT ACT, 1993

STATEMENT OF REPRESENTATION - CATEGORY 2

This form provides the property owner/occupier of adjoining land to the proposed development the opportunity to make comments. Please be advised that no rights of appeal are afforded to you as a result of this objection.

To: Chief Executive Officer - City of Mitcham
   via email: mitcham@mitchamcouncil.sa.gov.au
   via post: PO Box 21 Mitcham Shopping Centre, TORRENS PARK SA 5062

Attention: Brendan Fewster – 8372 8807

Development No: 080/1025/19 - 200 Belair Road HAWTHORN SA 5062
Closes: 4 October 2019

Your details
Boardwalk Investments Pty Ltd
Care of: Colliers International (SA) P/L
GPO Box 2243
ADELAIDE SA 5001

Name: PRUCOR SANTOROY - MATT FISHER
Address: U2, LEVEL 1, 202 BELAIR RD
HAWTHORN SA 5062

Email: matthew.fisher@prucorconsulting.com Daytime Phone: 0428 255 785

Nature of interest affected by development (e.g. adjoining resident, owner of land or an organisation or company):
Adjoining tenant

I / we: (tick one option below)
☐ Support Proposed Development
☐ Support Proposed Development but have some concerns
☒ Oppose Proposed Development

I / we: (tick one option below)
☐ I DO NOT wish to be heard
☐ I desire to be heard by the Council Assessment Panel* personally/or I will be represented by:

Reasons for comment: (attach additional page(s) if required).
- Inadequate parking for a significant increase in vehicle numbers
- Affects the exit/entry of our current car park
- Current drive not suitable for increased levels of traffic due to safety concerns

My concerns would be overcome by (state action sought):

Please note that in accordance with Section 38(8) of the Development Act 1993, a copy of this representation will be forwarded to the applicant for their information and response. All information on this representation may be included in the Development Assessment Panel agenda and may be available for public inspection.

Please indicate in the appropriate box above whether or not you wish to be heard by Council in respect to this submission (this will be at the discretion of the chairperson).

You may have a right under Section 86(1)(e) of the Development Act 1993 to apply to a court to review the Council’s decisions as to the nature of the development, whether the development is seriously at variance, the status of the development (complying, merit, or non-complying), and the category of the development (1, 2A, 2, 3, or no category), and any other decision that is relevant to Section 35 of the Development Act 1993. These rights of review are subject to quite short time limits.

The Council cannot advise you as to your rights nor court processes, and recommends that you promptly seek professional advice from a town planning consultant or lawyer experienced in such matters if you are interested in exercising any right of review.

SIGNED: M. DATE: 2/10/2019
DEVELOPMENT ACT, 1993

STATEMENT OF REPRESENTATION - CATEGORY 2

This form provides the property owner/occupier of adjoining land to the proposed development the opportunity to make comments. Please be advised that no rights of appeal are afforded to you as a result of this objection.

To:  Chief Executive Officer - City of Mitcham
     via email: mitcham@mitchamcouncil.sa.gov.au
     via post: PO Box 21 Mitcham Shopping Centre, TORRENS PARK SA 5062

Attention:  Brendan Fewster – 8372 8807

Development No:  080/1025/19 - 200 Belair Road HAWTHORN SA 5062
Closes:  4 October 2019

Your details
Aldi Foods Pty Ltd
PO Box 82
ENFIELD PLAZA SA 5065

Name:  Nigel Uren

Address:  

Email:  kerri.mccard@aldie.com.au  Daytime Phone:  8249 8164

Nature of interest affected by development (e.g. adjoining resident, owner of land or an organisation or company):
Adjoining business/land owner

I / we: (tick one option below)

☐ Support Proposed Development
☐ Support Proposed Development but have some concerns
☒ Oppose Proposed Development

I / we: (tick one option below)

☐ I DO NOT wish to be heard
☐ I desire to be heard by the Council Assessment Panel* personally/or I will be represented by:

*The Council Assessment Panel meeting is held on the first Thursday of every month

Reasons for comment: (attach additional page(s) if required)

- Car parking... signage...

My concerns would be overcome by (state action sought):

- [Provide signs, plans, car parking management plan, provide evidence]

Please note that in accordance with Section 38(8) of the Development Act 1993, a copy of this representation will be forwarded to the applicant for their information and response. All information on this representation may be included in the Development Assessment Panel agenda and may be available for public inspection.

Please indicate in the appropriate box above whether or not you wish to be heard by Council in respect to this submission (this will be at the discretion of the chairperson).

You may have a right under Section 86(1)(d) of the Development Act 1993 to apply to a court to review the Council’s decisions as to the nature of the development, whether the development is seriously at variance, the status of the development (complying, merit, or non-complying), and the category of the development (1, 2A, 2, 3, or no category), and any other decision that is relevant to Section 35 of the Development Act 1993. These rights of review are subject to quite short time limits.

The Council cannot advise you as to your rights nor court processes, and recommends that you promptly seek professional advice from a town planning consultant or lawyer experienced in such matters if you are interested in exercising any right of review.

SIGNED:  

DATE:  2/10/19
Re: Development No 080/1025/19

Steve Cox,
Orange Theory
202 Belair rd
Hawthorn SA, 5062

I am responding in relation to your opposition to our change of use application for 200 Belair rd and that your concerns are around car parking and signage.

The site has sixteen designated carpark at the rear which would be for our exclusive use. As we are intending to relocate an existing Club from Scotch college in Torrens Park we have a very good idea of the patronage patterns of our members. We currently have 105 members at this club and the average weekly attendance is 215 visits. The club is open from 6am till 10am and 4pm till 8pm weekdays and 7.30am till 9.30 am Saturdays and public holidays. Our real time attendance records show us that peak traffic times are Saturday mornings when 11 people per hour attend on average, 6am till 7am where we average 7.5 visits and 5pm till 6.00pm where we average 6.5 visits. Our Club is open for 39.5 hours per week so given we are average attendance is 215 and our sessions never go for more than an hour then the average attendance 5.4 people. We have one staff member in attendance at a time and if you also consider that many of our members attend in pairs and groups and that some who live in the immediate are would walk or jog there is more than enough car parks provided on site for our membership.

The site at 200 Belair rd has its own lane way for access to and from the car rear car park. I do understand that there is right of way across the back of 202 Belair rd and that the entrance point from 202 and 204 Belair rd are currently used to access the various carparks behind the group of buildings. I note that cars are currently regularly using the parking at the rear of 200 Belair rd and the exit lane way even though the site is vacant.

I am not sure that market competition is a legitimate reason for opposing a change of use application however I will make the point that we are moving an existing Club with a membership to the site so we will have the same competition issues that your business may experience.

efm.net.au
I am happy for any further feedback on our application and look forward to discussing further at the council meeting on November 7th.

Regards

Peter Rohde
CEO

EFM Health Clubs
Office  39 Oxford Tce, Unley SA 5061
Post   PO Box 3066, Unley SA 5061
Mobile 0414-808-999
Fax     08 8312-5543
Email   peter@efm.net.au

Find us on Facebook [www.facebook.com/EFMHealthClubs](http://www.facebook.com/EFMHealthClubs)
Re: Development No 080/1025/19

Nigel Uren,
Aldi Foods Pty Ltd
PO Box 82
Enfield Plaza SA 5085

I am responding in relation to your opposition to our change of use application for 200 Belair rd and that your concerns are around car parking and signage.

The site has sixteen designated carpark at the rear which would be for our exclusive use. As we are intending to relocate an existing Club from Scotch college in Torrens Park we have a very good idea of the patronage patterns of our members. We currently have 105 members at this club and the average weekly attendance is 215 visits. The club is open from 6am till 10am and 4pm till 8pm weekdays and 7.30am till 9.30 am Saturdays and public holidays. Our real time attendance records show us that peak traffic times are Saturday mornings when 11 people per hour attend on average, 6am till 7am where we average 7.5 visits and 5pm till 6.00pm where we average 6.5 visits. Our Club is open for 39.5 hours per week so given we are average attendance is 215 and our sessions never go for more than an hour then the average attendance 5.4 people. We have one staff member in attendance at a time and if you also consider that many of our members attend in pairs and groups and that some who live in the immediate area would walk or jog there is more than enough car parks provided on site for our membership.

On the issue of signage our application notes that the only public facing signage we would use is the ground level sign facing onto Belair rd which currently blank white. The only other signage we would be small directional signage to the front and rear entrance and EFM branding on the windows. I might suggest that having a tenant at 200 Belair rd could help reduce the graffiti that is appearing around the site and improve the overall amenity of the area.

I am happy for any further feedback on our application and look forward to discussing further at the council meeting on November 7th.
Regards

Peter Rohde
CEO

EFM Health Clubs

Office 39 Oxford Tce, Unley SA 5061

Post PO Box 3066, Unley SA 5061
Mobile 0414-808-999
Fax 08 8312-5543
Email peter@efm.net.au

Find us on Facebook www.facebook.com/EFMHealthClubs

efm.net.au
Re: Development No 080/1025/19

Matt Fischer,
Frucor Suntory
U2, Level 1, 202 Belair rd
Hawthorn SA, 5062

I am responding in relation to your opposition to our change of use application for 200 Belair rd and that your concerns are around car parking and signage.

The site has sixteen designated carpark at the rear which would be for our exclusive use. As we are intending to relocate an existing Club from Scotch college in Torrens Park we have a very good idea of the patronage patterns of our members. We currently have 105 members at this club and the average weekly attendance is 215 visits. The club is open from 6am till 10am and 4pm till 8pm weekdays and 7.30am till 9.30 am Saturdays and public holidays. Our real time attendance records show us that peak traffic times are Saturday mornings when 11 people per hour attend on average, 6am till 7am where we average 7.5 visits and 5pm till 6.00pm where we average 6.5 visits. Our Club is open for 39.5 hours per week so given we are average attendance is 215 and our sessions never go for more than an hour then the average attendance 5.4 people. We have one staff member in attendance at a time and if you also consider that many of our members attend in pairs and groups and that some who live in the immediate area would walk or jog there is more than enough car parks provided on site for our membership.

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I am happy for any further feedback on our application.
Regards

Peter Rohde
CEO

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Office  39 Oxford Tce, Unley SA 5061
Post   PO Box 3066, Unley SA 5061
Mobile 0414-808-999
Fax     08 8312-5543
Email   peter@efm.net.au

Find us on Facebook [www.facebook.com/EFMHealthClubs](http://www.facebook.com/EFMHealthClubs)
9. DEFERRED ITEMS (FROM PREVIOUS MEETING)

Nil
10. CATEGORY 1 APPLICATIONS

10.1 15 ADEY ROAD BLACKWOOD

1. Snapshot

<table>
<thead>
<tr>
<th>Author:</th>
<th>Bethany Andretzke</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Number:</td>
<td>080/1093/19</td>
</tr>
<tr>
<td>Date of Lodgement:</td>
<td>19/09/2019</td>
</tr>
<tr>
<td>Owner:</td>
<td>J Atkinson &amp; C E M Atkinson</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Jason Atkinson</td>
</tr>
<tr>
<td>Location:</td>
<td>15 Adey Road BLACKWOOD SA  5051</td>
</tr>
<tr>
<td>Zone:</td>
<td>Residential (Hills) Zone [Mit/20] Adey Road Historic (Conservation) Policy Area 17 [Mit/36]</td>
</tr>
<tr>
<td>Application type:</td>
<td>Merit</td>
</tr>
<tr>
<td>Public Notification Category:</td>
<td>Category 1</td>
</tr>
<tr>
<td>Representations Received:</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Internal Referrals:</td>
<td>Local Heritage Advisor - Grieve Gillett Anderson</td>
</tr>
<tr>
<td>External Referrals:</td>
<td>None</td>
</tr>
<tr>
<td>Development Plan:</td>
<td>Consolidated 20 February 2018</td>
</tr>
<tr>
<td>Delegation:</td>
<td>Council Assessment Panel – Application for demolition of a dwelling and construction of a new dwelling in any Historic (Conservation) Policy Area</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>To Grant Development Plan Consent subject to conditions</td>
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2. Background

2.1 Previous Development Applications

<table>
<thead>
<tr>
<th>Application no.</th>
<th>Description of development</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>080/1838/11</td>
<td>Construct dependent relative accommodation</td>
<td>Approved</td>
</tr>
</tbody>
</table>

3. The Subject Land

<table>
<thead>
<tr>
<th>Subject Land Attributes:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area 929m²</td>
</tr>
<tr>
<td>Street Frontage 15.24m</td>
</tr>
<tr>
<td>Watercourse / Flood Prone Land No</td>
</tr>
<tr>
<td>State / Local Heritage No</td>
</tr>
<tr>
<td>Bushfire Prone Area Yes - medium</td>
</tr>
</tbody>
</table>
The subject land is 15 Adey Road, Blackwood. It is rectangular in shape, 15.24 metres wide and 60.96 metres deep. The land is flat and currently accommodates a single storey detached dwelling with a granny flat and detached domestic outbuilding (shed) on the site.

4. The Locality

Extent of Locality

The locality is predominantly low-density residential development and comprises single storey detached dwellings of bungalow form, scale and appearance.

Allotments are predominantly rectangular, however vary in terms of frontage and site areas.

To the south of the subject land is the Blackwood bowling green. A local heritage place – St Paul of the Cross Catholic Church, is situated at 37-39 Coromandel Parade, approximately 60 metres from the subject land.

The locality map above comprises of dwellings within the same policy area, however approximately 100 metres to the south, the Adey Road Historic (Conservation) Policy Area 17 ceases to apply.

5. The Proposal

The proposed application is for the demolition of the existing dwelling and domestic outbuilding and the construction of a single storey detached dwelling with associated verandahs. The existing dependant relative accommodation will remain on site.
The design of the dwelling takes inspiration from the traditional building forms of the locality with the incorporation of the brick work, front verandah, gable features and use of light pastel colours, and the use of materials such as brick and render.

The dwelling will comprise of three bedrooms, a double garage, alfresco, laundry, study, bathroom and combined meals, dining and living space.

6. Procedural Matters

6.1 Classification

The elements of the proposal are not listed as a complying or non-complying form of development in Council’s Development Plan or in the Development Regulations.

As such the proposal has been determined to be a merit form of development.

6.2 Public Notification

The proposed development is Category 1 pursuant to Schedule 9 Part 1(2)(a) of the Development Regulations 2008.

6.3 Referrals

6.3.1 Internal

The proposal was referred to Council’s Heritage Consultant as the land is situated in Adey Road Historic (Conservation) Policy Area 17.

Below is a summary of the heritage advice:

- Stage 1: Demolition

    Notwithstanding the current dwelling contributes to the heritage character of the Policy Area, its demolition is supported based on the structural report provided and further verification by Council’s building department.

- Stage 2: Construction of new dwelling

    The replacement dwelling is sited on the allotment to respect adjacent dwellings and is not substantially at odds with the surrounding context.

    The form, scale and bulk of the dwelling are appropriate within the policy area. The materials and finishes are also supported as they are visually integrated with the surrounding dwellings.

    Double garage

    Originally the double garage was not supported, indicating “the proposed design should be reviewed to… reduce its visual prominence in the streetscape.”
The applicant amended the plans by:

- Increasing the setback of the garage to be a minimum of 1.5 metres behind the front façade;
- Reducing the height of each garage door; and
- Changing the colour of the garage doors.

The alterations to the plans were seen to “reduce the visual dominance of the garage component sufficiently to support the proposal”.

The comments from the Heritage Consultant are contained within Attachment B.

6.3.2 External

No external referrals are required in accordance with Schedule 8 of the Development Regulations 2008.

7. Key Issues

**Key Development Statistics**

<table>
<thead>
<tr>
<th>REQUIREMENT</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE COVERAGE</td>
<td>N/A in R(H)</td>
</tr>
<tr>
<td>IMPERVIOUS COVERAGE</td>
<td>N/A in R(H)</td>
</tr>
<tr>
<td>PRIVATE OPEN SPACE</td>
<td>20% CW PDC 58</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>SETBACKS</td>
<td></td>
</tr>
<tr>
<td>PRIMARY STREET</td>
<td>Average of Adjoining (11.6m) CW PDC 59 [Table Mit/7]</td>
</tr>
<tr>
<td>SIDE</td>
<td>Allotments&gt; 450m2 - 1m/3m CW PDC 60</td>
</tr>
<tr>
<td>REAR</td>
<td>5m CW PDC 60</td>
</tr>
<tr>
<td>GARAGE / CARPORT</td>
<td>1m behind main face CW PDC 59 [Table Mit/7]</td>
</tr>
<tr>
<td>MAX HEIGHT</td>
<td>8m / 2 Storey CW PDC 67</td>
</tr>
<tr>
<td>CAR PARKING SPACES</td>
<td>2 per dwelling CW PDC 62</td>
</tr>
</tbody>
</table>

The following matters are considered pertinent in reaching a recommendation for the proposal:
- Demolition
- Design of the dwelling
- Desired character;
- Heritage impact; and
- Setbacks

8. Assessment

8.1 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.

8.2 Demolition

Principle of Development Control 8 of the Adey Road Historic (Conservation) Policy Area 17 states that;

Buildings and structures should not be demolished in whole or in part, unless they are:

(a) Structurally unsafe and/or unsound and cannot reasonably be rehabilitated;
(b) Inconsistent with the desired character for the policy area;
(c) Associated with a proposed development that supported the desired character for the policy area

The existing dwelling at 15 Adey Road, Blackwood is consistent with above PDC 8(a) and PDC 8(c). Firstly, the existing dwelling on the site displays significant structural deficiencies and cannot be reasonably rehabilitated, as outlined in the structural engineer’s report. Further, an associated and combined proposed dwelling is shown to support the desired character for the policy area. Therefore, it is reasonable to support the demolition of the existing dwelling.

8.3 Design of the dwelling

8.3.1 Desired character

The Desired Character for the Adey Road Historic (Conservation) Policy Area 17 states;

“It is expected that single storey detached dwellings at low densities will continue to dominate the housing form in the policy area.

New buildings and additions to existing buildings will be primarily single storey in nature… The scale and bulk of the built form will complement that of the predominantly small scale, symmetrical cottages in the policy area.

Garages and carports are not elements within the original streetscape of the policy area and were typically established to the rear of buildings. Therefore, it is important that where new garages and carports are to be located to the side of a building, they are carefully sited and designed so that they do not form dominant visual elements within the building façade
and property frontage as well as maintain the sense of space between buildings.

Similarly, consideration needs to be given to driveway widths in front of dwellings so that they are minimised and the established front gardens remain the dominant element within the front yards. This includes the retention of mature vegetation on the land that is considered to contribute to the character of the streetscape.”

The proposal largely complies with the Desired Character for the Policy Area in that it comprises a single storey detached dwelling of similar character to the locality.

The proposal satisfies the Desired Character of the Policy Area as follows:

- The proposal is a detached dwelling located on a single allotment, therefore will not increase the level of density for the locality;
- The proposed dwelling is single storey;
- The scale and bulk of the built form complements character dwellings in the locality;
- The garage is designed so as not to form a dominant feature of the front façade by;
  - Being set 1.5 metres back from the main face of the dwelling
  - Minimising extent of opening to single doors
  - Finish of garage doors at the same colour to the surrounding wall
- The proposal includes a large front garden which complements the streetscape character
- The existing pattern of allotments and development is maintained.

The existing dwelling on the subject site is structural unsound with alterations and additions inconsistent with the desired character for the Policy Area. As such, the proposed dwelling will be a positive contribution to the Adey Road Policy Area 17.

8.3.2 Heritage Impact

Principle 9 of the Policy Area stipulates development should take design cues from existing historic built forms without necessarily replicating the historic detailing. In particular; scale and bulk, frontage width, setbacks, roof lines and pitches, verandahs, fencing, landscaping, colours and materials and visual interest.

The proposal satisfies Principle 9 as follows:

- The scale and bulk of the proposed dwelling will be consistent with other dwellings in the locality. This is achieved in the following way;
  - The building will be single storey with an eave height of 2.45 metres, matching that to adjoining dwellings.
  - The roof pitch and projecting gable is a feature shown throughout the area.
  - The overall width of the dwelling is consistent with adjoining dwellings within the locality.
• The width of frontage will not change
• Boundary setbacks are appropriate and ensure sufficient spacing around the dwelling and meaningful areas for landscaping the both front and rear garden areas.
• Materials and colours used are similar to that found throughout the locality.

Principle 10 of the Policy Area states:

*New residential development should include landscaped front garden areas that complement the desired character.*

The proposal satisfies Principle 10 by incorporating a single width driveway to allow for a large landscaped front garden. This front yard includes both the retention of mature vegetation and supplementary plantings, which are all considered to contribute to the character of the streetscape.

### 8.4 Setbacks

The departure in front setback is considered minor as each side of the dwelling relates directly to the associated neighbouring dwelling, as not to detrimentally impact.

The proposed dwelling accords with PDC 11 of the Policy Area in that it is not sited on boundaries.

Whilst the proposal does not comply with CW PDC 60 that seeks a one metre setback on one side and three metre on the other, it is considered that the overall width of the dwelling when viewed from the street is proportionate to other dwellings within the streetscape and is not considered out of character. The proposal is also considered to be consistent with the pattern of development of character homes on similar size allotments, with limited side setbacks, as can be seen below.
Furthermore, the proposal is not only set further back than the existing dwelling from the northern side boundary, but the neighbouring dwelling to the north also has a substantial setback from this boundary.

Notwithstanding the slight departures to the required setbacks of the proposed dwelling, it is sited relatively consistent with surrounding dwellings within the locality.

9. Conclusion

The proposed development for the demolition of the existing dwelling and the construction of a new single storey detached dwelling is considered to reasonably satisfy the numeric provisions of the Development Plan. Although, it is sited closer to the side boundaries than the provisions, it directly relates to the neighbouring dwellings, the prevailing character of the locality and will be not to detrimental to the existing character of the locality.

The design of the dwelling is consistent with the desired character statement for the zone and takes cues from existing historic built forms without necessarily replicating them.
It is considered that the development warrants Development Plan Consent subject to conditions of approval.

10. **Recommendation**

That pursuant to the authority delegated to the Council Assessment Panel by the Council, it is recommended that the Council Assessment Panel:

1. **DETERMINES** that the proposed development is not seriously at variance with the policies in the City of Mitcham Development Plan; and

2. **GRANTS** Development Plan Consent to the application by J Atkinson to Demolition of Existing Dwelling and Detached Outbuilding & Construction of Single Storey Dwelling, Garage & Verandahs (Staged Development - Stage 1: Demolition of Existing Dwelling and Detached Outbuilding, Stage 2: Construction of Single Storey Dwelling, Garage & Verandahs) at 15 Adey Road, Blackwood, as detailed in Development Application No. 080/1093/19 subject to the following, conditions and advisory notes:

**Development Plan consent Conditions:**

1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 080/1093/19

   - Demolition application form – dated 6 September 2019
   - Structural report by P & G Structures Pty Ltd – dated 2 September 2019
   - Site Plan – A101 – Number 3 Planning Drawings – dated 21 October 2019
   - Floor Plan – A102 – Number 2 Planning Drawings Rev. 2 – dated 12 October 2019
   - Elevations – A103 – Number 2 Planning Drawings Rev. 2 – dated 12 October 2019
   - Demolition Plan – A104 – Number 2 Planning Drawing Rev. 2 – dated 12 October 2019
   - Landscaping Plan – A105 – Number 2 Planning Drawings Rev. 2 – 12 October 2019
   - 3D Impressions and Colours – A106 – Number 2 Planning Drawings Rev. 2 – 12 October 2019
   - Survey Plan – A107 – dated September 2019

   except where varied by any condition(s) listed below:

   **Reason:** To ensure the proposal is developed in accordance with the details and information submitted.

2. All freestanding sides of the alfresco must remain open

   **Reason:** To maintain the visual amenity of the locality

3. The proposed landscaping must be established on site in accordance with the approved plan, prior to the occupation of the dwellings and must be maintained in good conditioned at all times to the reasonable satisfaction of Council. Any dead or diseased plants or trees shall be replaced forthwith to the reasonable satisfaction of Council.
Reason: To maintain and enhance the visual amenity of the locality in which the subject land is situated

4. A dedicated water supply of 2000 litres connected to mains water with an automatic float switch to maintain full capacity, or 5,000 litres independent of reticulated mains supply, must be accessible 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. The tank must be installed and operational prior to occupation of the dwelling.

Reason: To minimise the risks of damage to life and property in the event of a bushfire

NOTE: The water supply and any other associated fixtures and fittings must comply with the following legislation:

- Building Code of Australia;
- Minister’s Specification SA 78;
- Minister’s Code – Undertaking Development in Bushfire Protection.

5. Stormwater must be disposed in a manner that 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

6. 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

7. 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
- 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
8. 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

9. Stormwater from the site must be managed during construction and until the site is stabilised to ensure that it does not cause nuisance to any adjoining property. Temporary drainage must be installed as soon as the roof is constructed.

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

Attachments:

A. CT & Plans
B. Internal Referral - local heritage advisor
C. Property Inspection Report
D. Site Visit Photos
CONFIRMATION OF REGISTRATION NOTICE

The following dealings have been registered -

Dealing(s):
- DISCHARGE OF MORTGAGE 13151839
- TRANSFER 13151840
- MORTGAGE 13151841

Title(s):
CT 5465/630

Registration Date: 09/08/2019

Customer Reference: WPBCSSR76415147

Confirmations of registration are attached on the following page(s).

B. Pike
Chief Executive Officer
Land Services SA

Land Services SA acting under delegation of the Registrar-General pursuant to section 17 of the Real Property Act 1996 (SA).
CONFIRMATION OF REGISTRATION

Certificate of Title - Volume 5465 Folio 630

Estate Type
FEE SIMPLE

Registered Proprietor(s)
JASON PAUL ATKINSON
CARLY ELYSE MARTIN ATKINSON
OF 15 ADEY ROAD BLACKWOOD SA 5051
AS JOINT TENANTS

Description of Land
ALLOTMENT 73 FILED PLAN 149358
IN THE AREA NAMED BLACKWOOD
HUNDRED OF ADELAIDE

Easements
NIL

Schedule of Dealings

<table>
<thead>
<tr>
<th>Dealing Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>13151841</td>
<td>MORTGAGE TO WESTPAC BANKING CORPORATION (ACN: 007 457 141)</td>
</tr>
</tbody>
</table>

Registrar-General
Lands Titles Office
DEMOLITION APPLICATION FORM

I wish to apply for:
☐ Building Rules Consent (Building Only)
☐ Full Development Approval (Both Planning & Building)

Please send all correspondence to development@mitchamcouncil.sa.gov.au. Please note that a fee invoice will be sent at a later point in time and all payments can be made online at www.mitchamcouncil.sa.gov.au. Do not attach or enclose cheques or cash payments to your application.

Invoice fees to (tick one):
☐ Applicant  /  ☐ Owner

Applicant and Owner Details

Please Note: The Applicant will be Council’s contact person for further information requests and receipt of decision documents.

APPLICANT: Jason Atkinson

Contact Person (if applicant a business):

Email Address: Jason.atkinson@tafesa.edu.au
Phone No: (h)  (w)  (m) 0402229168

OWNER: as above - Jason Atkinson

Email Address: 
Phone No: (h)  (w)  (m) 0402229168

Demolition Contractor Details

NAME: 
Licence No

Email Address: 
Phone No: (w)  (m)

Description of Building(s) to be Demolished (i.e. Single storey brick veneer dwelling with concrete floors)

Single storey solid masonry with timber floors & metal roof/ sheeting

DATE OF PROPOSED DEMOLITION:

Location of Proposed Demolition

House No.: 15  Lot No.: 73  Street Name: Adey Rd
Suburb: Blackwood  Postcode: 5051

Development Cost: $10,000

(Estimated total cost of the proposal – do not include any fit out costs)

Area of building(s)/structure(s) to be demolished: 130 m²
<table>
<thead>
<tr>
<th>Demolition method:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Hand demolition</td>
</tr>
<tr>
<td>☐ Other</td>
</tr>
<tr>
<td>(please provide details below)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Describe the dust control method:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Works periodically sprayed with water</td>
</tr>
<tr>
<td>☐ Other (please provide details below)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Will the demolition directly impact on buildings on adjoining land (including party walls, fences, etc)?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes                                                    ☐ No</td>
</tr>
<tr>
<td>If yes, what precautions have been taken to protect these structures:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Will fencing be provided to prevent entry to the site?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Does the building(s) contain asbestos?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes</td>
</tr>
<tr>
<td>If yes, describe precautions to be taken (asbestos – only to be removed by licenced removalist)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Will the demolition include the removal of any regulated/significant tree?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes</td>
</tr>
<tr>
<td>If yes, has a development application been lodged?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Will the demolition directly impact on Council Infrastructure (including footpaths, kerbing, pipes, reserves)?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes</td>
</tr>
<tr>
<td>If yes, what precautions have been taken to protect these structures:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Will the demolition affect any street trees?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes</td>
</tr>
<tr>
<td>Street trees are not to be removed without permission, provide details of protection methods</td>
</tr>
<tr>
<td>Question</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Is the building to be demolished heritage listed?</td>
</tr>
<tr>
<td>If yes, please indicate the following:</td>
</tr>
<tr>
<td>State Heritage listed</td>
</tr>
<tr>
<td>Local Heritage listed</td>
</tr>
</tbody>
</table>

**Description of Precautions to be taken (including type of construction and nature of material):**

Temporary formwork, shores and bracing:

<table>
<thead>
<tr>
<th>Fencing, hoarding and warning notices:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Fire services (extinguisher required on site during demolition):

<table>
<thead>
<tr>
<th>Water, electricity, gas and telephone service connections:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior to any demolition work</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Disposal of demolished materials: To be recycled where possible

<table>
<thead>
<tr>
<th>Notes:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The deposition of waste matter, goods, materials, earth, stone, gravel or other substances on any street, road or public place is an offence under the Local Government Act, 1999 and may render the person responsible liable to a fine of $315.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) The burning of waste materials during demolition or construction operation is prohibited by the provisions of the Environment Protection Act &amp; Regulations 1993.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Certain parts of the demolition procedure (e.g. scaffolding, asbestos removal) may require the approval of the Department of Industrial Affairs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) With respect to noise, your attention is drawn to your obligation to comply with the Environment Protection Act &amp; Regulations, 1993.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I acknowledge that copies of this application and supporting documentation may be provided to the public in accordance with the Development Regulations 2006, (eg Public Notification period).

**SIGNATURE:** [Signature]  
**DATE:** [Date]
02/09/2019

Attn. Jason Atkinson
email

Dear Jason

RE: Condition report of existing residential building at 15 Adey Rd Blackwood

At your request the undersigned engineer from this office inspected the existing building to assess its structural condition. The purpose of the assessment is confirm the feasibility to maintain and upgrade the existing structure.

Below are the findings of the report.

The house is approximately 100 years old, single storey construction with solid masonry walls and metal roof.

Walls
The external gable walls have lean towards outside. The lean is estimated to be in excess of 50mm. The lean caused jamming and tilting of the side metal gate. The lean is caused by foundation movement and inadequate footing sizes.

The mortar in the masonry joints is significantly eroded. At many locations the mortar is fully disintegrated within the entire wall thickness. We managed to pull out bricks from the external walls without too much effort.

The walls have large cracks scattered across the entire building. The cracks are in the range of 10-15mm in width. The cracks are due to foundation movement and inadequate footing size.

The lean-to section of the building at the back has very significant cracking and wall lean.

Rising dampness is observed along most of the walls. Is some areas the rising dampness caused erosion in the fabric of the limestone masonry with parts of the stone flaking off.

The masonry pillars at the front of the building have large portion of the joint mortar missing due to erosion and disintegration. In some areas 50 to 60mm of the mortar joints are with no mortar.

Floor
The timber floors have significant deviations and fall. In some rooms the deviations are very noticeable. Deviation of more than 20mm was measured along some walls. The deviations central to each room are expected to be higher.
The floor slabs in the front sunroom and in the back lean-to have significant cracking and deviations.

Attached to this report are photos covering the above issues.

**Conclusion**
The building has significant structural deficiencies. We consider it unsafe for habitation.

The following major structural work would be required as a bare minimum to make the building habitable:
- The joint mortar to the masonry is fully eroded. The external walls shall be rebuild
- The walls of the lean-to and around the fire place have significant cracking - they shall be rebuild
- The front pillars shall be rebuild
- The floors in most rooms have large deviations – the floors shall be re-levelled
- All walls shall be underpinned to install DPC membrane to prevent rising dampness
- The concrete slabs to the front sunroom and the lean-to at the back shall be replaced
- The footings shall be underpinned to prevent future settlement.

Due to the significant damage to the walls, floor and inadequate footings, the above repair work would be very expensive and time consuming. The above work is expected to be significantly more expensive than new construction with same floor area.

The building is in a very dilapidated condition and in our opinion, it is not feasible and practical to attempt to upgrade the building to make it habitable. We recommend the building to be demolished.

We trust that the above is acceptable. Should you need any further information, please contact the undersigned.

Kind regards

Galina Petrova MSc(Eng) FIEAust CEng NER
For P&G Structures
PG19082

**Attachments:**
- Attachment 1 - Photos
Attachment 1 - Photos

Photo 1 – Brick pulled out from external wall

Photo 2 – Gable wall with lean out. Gate is fully jammed
Photo 3 – Walls to lean-to section of house at the back

Photo 4 – Fireplace. Wall above fireplace is in danger of collapse
Photo 5 – Front sunroom. Lean and cracking of concrete floor

Photo 6 – Cracking to front pillar
Photo 7 – Joint mortar completely disintegrated (missing) front pillar at entrance door

Photo 8 – Stonework erosion and joint mortar erosion
Photo 9 - Floor deviation and rising dampness damage internal wall

Photo 10 - Wall cracking and rising dampness
ARCHITECTURAL STATEMENT

The existing dwelling, a Circa 1925 Californian Bungalow located at 15 Adey Rd in Blackwood has had abhorrent alterations in the past. These alterations are blatantly inconsistent with the desired character for the policy area and are combined with poor maintenance and structural issues (see Engineer’s report attached).

The new owners propose a new sympathetic build for 15 Adey Rd.

I believe the proposed residence compliments and is consistent with the desired historic character of the streetscape.

Maintaining the front setback and keeping a traditional style front veranda creating a deep set landscaped garden.

The width of the proposal echoes widths common to dwellings within the streetscape. Height, proportions and mass reflect key historic attributes of existing dwellings within Adey Rd and of the era in which the original Bungalow was built.

The roof cladding and pitch are representative of the historical character to assist with visual integration.

Fenestration’s represent the character of the street; while the garage, a contemporary feature assists in the identification of this residence as a new build as does the colour pallet and material selection. Garage doors have been kept to singular to avoid visual dominance and the existing street cross over will remain for access and egress.

Furthermore, the development proposes a high design standard and incorporates Environmentally Sustainable Design features such as passive solar design, rainwater harvest, double glazed windows, additional insulation, ceiling fans, cross flow ventilation, energy efficient appliances, appropriate sized rooms and overall building and recycled permeable paving and driveway.

In planning and architectural terms this dwelling will be a positive contribution to Adey Rd Blackwood.

Anne-Marie Borges B.Arch
Registration No. 3172
PROPOSED RESIDENCE
15 Adey Road Blackwood

ARCHITECTURAL STATEMENT
The existing dwelling, a Casa 1225 Californian Bungalow located at 15 Adey Rd in Blackwood has had abhorrent alterations in the past. These alterations are blatantly inconsistent with the desired character for the policy area and are combined with poor maintenance and structural issues (see Engineer’s report attached).

The new owner proposes a new sympathetic build for 15 Adey Rd.

I believe the proposed residence complies and is consistent with the desired historic character of the streetscape. Maintaining the front setback and keeping a traditional style front veranda creating a deep set landscaped garden.

The width of the proposal echoes width common to dwellings within the streetscape. Height, proportions and mass reflect key historic attributes of existing dwellings within Adey Rd and of the era in which the original Bungalow was built.

The roof eaves and pitch are representative of the historical character to resist with visual integration. Fenestrations represent the character of the street while the garage, a contemporary feature assists in the identification of the residence as a new build as does the colour pallet and material selection. Garage doors have been kept to singular to avoid visual dominance and the existing street trees over will remain for access and privacy.

Furthermore, the development proposes a high design standard and incorporates Environmentally Sustainable Design features such as passive solar design, rainwater harvested, double glazed windows, additional insulation, cooling fans, cross flow ventilation, energy efficient appliances, appropriate sized rooms and overall building and recycled permeable paving and driveways.

In planning and architectural terms this dwelling will be a positive contribution to Adey Rd Blackwood.

Anne-Marie Borges B.Arch
Registration No. 3172

DRAWING SCHEDULE

<table>
<thead>
<tr>
<th>Sheet Number</th>
<th>Sheet Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>A100</td>
<td>COVER</td>
</tr>
<tr>
<td>A101</td>
<td>SITE PLAN</td>
</tr>
<tr>
<td>A102</td>
<td>FLOOR PLAN</td>
</tr>
<tr>
<td>A103</td>
<td>ELEVATIONS</td>
</tr>
<tr>
<td>A104</td>
<td>DEMOLITION PLAN</td>
</tr>
<tr>
<td>A105</td>
<td>LANDSCAPING PLAN</td>
</tr>
<tr>
<td>A106</td>
<td>3D IMPRESSIONS &amp; COLOURS</td>
</tr>
<tr>
<td>A107</td>
<td>SURVEY PLAN</td>
</tr>
</tbody>
</table>
Additional Flooring rates/requirements:
Owner paying concrete after hand over with LVMQ please use two layers of bitum prior to pour of 20mm concrete. Finish with painting trowel to a smooth even finish, don't overwork. Once cured protect will be marked on plan eg Entry, Halls, Lounge, Kitchen, Dining and study with owner supplied floor protection and keep in place until final clean.

Window Schedule

<table>
<thead>
<tr>
<th>Mark</th>
<th>Window Style</th>
<th>Glazing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Awning</td>
<td>Double</td>
</tr>
<tr>
<td>2</td>
<td>Awning</td>
<td>Double</td>
</tr>
<tr>
<td>3</td>
<td>Awning</td>
<td>Double</td>
</tr>
<tr>
<td>4</td>
<td>Awning/Awning</td>
<td>Double</td>
</tr>
<tr>
<td>5</td>
<td>Awning</td>
<td>Double</td>
</tr>
<tr>
<td>6</td>
<td>Awning/Awning</td>
<td>Double</td>
</tr>
<tr>
<td>7</td>
<td>Awning</td>
<td>Double</td>
</tr>
<tr>
<td>8</td>
<td>Awning/Awning</td>
<td>Double</td>
</tr>
<tr>
<td>9</td>
<td>Sliding</td>
<td>Single</td>
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</tbody>
</table>

FLOOR PLAN

PROJECT NUMBER: BD.04105.10
DATE: September 2019
DRAWN BY: JA
CHECKED BY: CD
SCALE: A3
AS INDICATED

15 Adey Road
Blackwood
PROPOSED RESIDENCE

FLOOR PLAN

15167 Garage 6m²
11032 Bath 7m²
10334 Ensuite 15m²
11032 Main Bed 12m²
8773 Bed 2 12m²
12546 Living Room 24m²
14742 Dining Room 12m²
8503 Study 6m²
9160 Kitchen 20m²
6606 Master Bedroom 12m²
15053 Lounge 25m²
COUNCIL ASSESSMENT PANEL
AGENDA

ITEM 10.1 - ATTACHMENT A

---

**15 Adey Road**
**Blackwood**
**PROPOSED RESIDENCE**

<table>
<thead>
<tr>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>PLANNING DRAWINGS Rev 1</td>
<td>06/09/19</td>
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<tr>
<td>2</td>
<td>PLANNING DRAWINGS Rev 2</td>
<td>12/10/19</td>
</tr>
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</table>

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**ELEVATIONS**

**PROJECT NUMBER** BD 00105 90
**DATE** September 2019
**DRAWN BY** JA
**CHECKED BY** CD
**SCALE** A3
**1 : 100**
Demolition Plan

1: 200

Demolition Notes

Pre Demolition Activities
Ensure all services are disconnected

Duties in relation to demolition work
A person conducting a business or undertaking has more specific obligations under the WHS Regulations to manage the risks associated with the carrying out of demolition work.

These duties include:
- preparing a Safe Work Method Statement (SWMS) for the proposed work, or ensuring a SWMS has already been prepared by another person, before any high risk construction work commences;
- obtaining a copy of the asbestos register for the workplace before demolition work is carried out if there is no asbestos register, must;
- not carry out the work until the structure or plant has been inspected to determine whether asbestos or asbestos containing materials (ACM) are fixed to or installed in the structure or plant;
- ensure that the determination is undertaken by a competent person, and if asbestos or ACM are determined or presumed to be present, inform the occupier and owner of the premises (if domestic premises) and the person conducting a business or undertaking with management or control of the workplace. Check all material for possible asbestos content on site prior to commencement of any work.

Material Recycling and Demolition Debris Disposal
All waste materials to be removed from site by contractor in accordance with Development Plan guidelines and recycled where appropriate.

Dust Control Measures
Steps to be taken by Contractor to ensure any dust expulsion from site is kept to a minimum.

Post Demolition Measures
Upon completion:
Ensuring all trenches and pot holes are filled. Clean the entire area of demolition to a tidy, uniform condition, removing all debris, dust and materials.

<table>
<thead>
<tr>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
<tr>
<td>2</td>
<td>PLANNING DRAWINGS Rev.2</td>
<td>10/10/19</td>
</tr>
</tbody>
</table>
1 Landscaping Plan
1 : 200
EXISTING FRONT TREES OMMETTED FOR CLARITY

15 Adey Road
Blackwood
PROPOSED RESIDENCE

<table>
<thead>
<tr>
<th>NO</th>
<th>DESCRIPTION</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
<tr>
<td>2</td>
<td>PLANNING DRAWINGS Rev 2</td>
<td>12/10/19</td>
</tr>
</tbody>
</table>

3D IMPRESSIONS & COLOURS

PROJECT NUMBER: BD-00005 19

DATE: September 2019

DRAWN BY: JA

CHECKED BY: CB

SCALE: A3 NT5

A106
Hi Bethany,

Comments on the application as follows:

**Grieve Gillett Andersen Heritage Advice**

<table>
<thead>
<tr>
<th>DA Number</th>
<th>080/1093/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heritage Listing</td>
<td>Within Residential (Hills) Adley Road Historic (Conservation) Policy Area 17</td>
</tr>
<tr>
<td>Address</td>
<td>15 Adley Road, Blackwood</td>
</tr>
<tr>
<td>Proposal</td>
<td>Demolition of existing dwelling and detached outbuilding, and construction of a single storey dwelling, garage and verandahs (Staged development)</td>
</tr>
</tbody>
</table>

**HERITAGE VALUE ASSESSMENT / DESIRED CHARACTER FOR THE ADEY ROAD HCPA**

The Adley Road Historic (Conservation) Policy Area extends from the main thoroughfare of Coronandel Parade, where the character is established by houses and attached shops, through to the purely residential Adley Road.

It is expected that single storey detached dwellings at low densities will continue to dominate the housing form in the policy area. As such, an increase in density is not envisaged within the policy area, with semi-detached dwellings, group dwellings, row dwellings and residential flat buildings inconsistent with the desired character and considered inappropriate. Similarly, hamnerhead-style land division and development is inconsistent with the character and established land division pattern.

New buildings and additions to existing buildings will be primarily single storey in nature, although two storey development may be possible in circumstances where the second storey is located within the roof space or to the rear of dwellings such that they are located behind the ridge line of the roof so as to not be visible from the street. The scale and bulk of the built form will complement that of the predominantly small scale, symmetrical cottages in the policy area. Garages and carports are not elements within the original streetscape of the policy area and were typically established to the rear of buildings. Therefore, it is important that where new garages and carports are to be located to the side of a building, they are carefully sited and designed so that they do not form dominant visual elements within the building façade and property frontage as well as maintain the sense of space between buildings.

Similarly, consideration needs to be given to driveway widths to front of dwellings so that they are minimised and the established front gardens remain the dominant element within the front yards. This includes the retention of mature vegetation on the land that is considered to contribute to the character of the streetscape.

The feeling of space is emphasised in the policy area by low and/or open fencing, typically in the form of hedges, woven wire, timber picket or low stone walls. The fencing also provides views to the buildings and established gardens. Tall or solid fencing, such as masonry and brush fencing, is inconsistent with the desired character and will not be constructed forward of the main face of buildings (Mitcham Council Development Plan)
DESCRIPTION OF PROPOSAL

The proposal is staged into two parts:

Stage 1 is to demolish the existing contributory dwelling. A report summarising the condition of the building with photographs was provided, illustrating widespread and significant cracking to the masonry walls of the building. The conclusion of the report is that the building is has “significant structural deficiencies” and the authors “consider it unsafe for habitation”, concluding that it is not feasible or practical to repair / rebuild, and recommending demolition. A Council Property Inspection Report concludes a similar extent of structural integrity issues, requiring extensive external and internal rectification works.

Stage 2 is to construct a new single storey dwelling with hipped and gable roof form, in a design that references the Bungalow style, utilising large projecting gables with timber fretwork, tapered brick piers supporting double timber posts, and timber double hung windows to the front elevation. It also contains a double garage under the main roof form, with timber clad tilt up doors. New paving, landscaping and driveway treatment are also proposed.

HERITAGE ADVICE

Stage 1: Demolition

Noting that the dwelling does contribute to the policy area, the demolition is supported based on the two reports indicating its condition as being of questionable structural integrity.

Stage 2: Construction of new dwelling

The proposed replacement dwelling is sited on the allotment to respect adjacent dwelling front setbacks, and side setbacks are not substantially at odds with the surrounding context, particularly on the eastern side of Adey Road. The proposed dwelling is a detached, single storey dwelling, and the form, scale and bulk of the dwelling are appropriate within the policy area.

The materials and finishes are also supported as they are visually integrated with the surrounding dwellings.

The proposed double garage under the main roof form is not supported as currently documented. As the Development Plan policy for this policy areas states,

“Garages and carports are not elements within the original streetscape of the policy area and were typically established to the rear of buildings. Therefore, it is important that where new garages and carports are to be located to the side of a building, they are carefully sited and designed so that they do not form dominant visual elements within the building façade and property frontage as well as maintain the sense of space between buildings.”

The Design Guidelines also state, “Carports or garages attached to the side of new development should be set back a minimum of 1.5 metres behind the front façade”.

The proposed design should be reviewed to align the garage sitting with the above, and reduce its visual prominence in the streetscape.

ELIZABETH LITTLE
ASSOCIATE - SENIOR HERITAGE ARCHITECT
BDesSt, BArch
APBSA Architect Registration No. 2647
ARBV Architect Registration No. 18248
Bethany Andretzke

From: Elizabeth Little <ElizabethL@ggard.com.au>
Sent: Monday, 14 October 2019 1:16 PM
To: Bethany Andretzke
Subject: RE: 18074 RE: 18074 15 Adey Road BLACKWOOD [DA 080/1093/19]

Hi Bethany,

If you are satisfied with the 1.5m setback then I think the change in garage door colour and height reduces the visual dominance of the garage component sufficiently to support the proposal.

Thanks
Liz

ELIZABETH LITTLE
ASSOCIATE - SENIOR HERITAGE ARCHITECT
BDesSt, BArch
APBSA Architect Registration No. 2647
ARBV Architect Registration No. 18248

GRIEVE GILLETT ANDERSEN
E: elizabethl@ggard.com.au
T: +61 8 8232 3626
243 Pirie Street, Adelaide SA 5000
www.ggard.com.au
Property Inspection Report

DATE OF FILE NOTE: 1 October 2019
AUTHOR: Lachlan Bauerstock (Site attended with Richard Brown)
FILE / DA NUMBER: 080/1093/19
PROPERTY ADDRESS: 15 Adey Road BLACKWOOD SA 5051
DATE AND TIME OF EVENT: 01/10/2019 - 1:30pm
SUBJECT: Structural Integrity Inspection

A site inspection was undertaken on Tuesday 1st October 2019 for the purpose to assess the structural integrity of the dwelling at 15 Adey Road Blackwood. An external and internal inspection was performed by Lachlan Bauerstock (Assistant Building Surveyor) and Richard Brown (Building Surveyor) and the following issues were identified.

The dwelling showed many signs of deterioration typical of dwellings of similar age (1920’s) and condition within the area. Footing movement has resulted in minor to moderate internal and external cracking throughout, and in a few locations major cracking exists. The location of the major cracking was generally isolated to the internal walls and more specifically to the northern side walls, particularly above the fireplace. These defects would require an element of major repair to the footings (underpinning).

Salt damp was evident and appears to be the result of leaking pipes and or water proofing defects to bathroom tiling and possibly poor stormwater drainage. Rising dampness was observed along most of the walls. It was also noted that the timber floors throughout the dwelling have varying levels of deviation.

An external inspection revealed the gable wall on the Northern side of the dwelling appears to be on a slight lean. The lean has caused jamming of a new steel gate against the gable wall and can no longer be opened.

The mortar in the masonry joints has significantly eroded at various locations around the dwelling, and in some areas bricks can be entirely removed from external wall. As well as
this, the masonry pillars at the front of the dwelling have extensive mortar erosion and considerable cracking.

The roof structure from an external inspection appears in reasonable condition with no obvious structural deflections.

In summary, the residence appears to have considerable structural integrity issues which may deem the dwelling unsafe for habitation. In order to reinstate the dwelling's structural integrity, extensive external and internal rectification works would be considered necessary, these works would include, but not limited to the following:

1. Stabilising of the existing footing
   - Isolated footing underpinning
   - Improvements to stormwater drainage
2. Repair of internal and external cracking
3. Possible re-levelling of floor structure to current code requirements
4. Re-mortar to external brickwork where erosion has occurred.
PHOTOS

Mortar erosion to front brick pillars and external masonry walls
Salt dampness and various hard plaster deterioration.
Deterioration to the wall above the fireplace.
Movement causing jamming of the side metal gate against the external gable wall on the Northern side of the dwelling.

External wall of the lean-to on the Eastern side of the dwelling.
SITE VISIT PHOTOS - 15 ADEY ROAD BLACKWOOD
SITE VISIT PHOTOS - 15 ADEY ROAD BLACKWOOD
11. CONFIDENTIAL ITEMS

Nil
12. APPEALS UPDATE

12.1 APPEALS UPDATE

PROPOSAL

To inform Panel Members of the status of outstanding appeals.

RECOMMENDATION – ITEM 12.1

That the report be received for information only.

Attachments:

A. APPEALS UPDATE
PENDING APPEALS UPDATE AS AT 25 OCTOBER 2019

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 October 2019

<table>
<thead>
<tr>
<th>No</th>
<th>ERD No</th>
<th>App'n No</th>
<th>NAME</th>
<th>ADDRESS OF APPLICATION</th>
<th>APPEAL LODGED</th>
<th>DESCRIPTION</th>
<th>PLANNER'S RECOMMENDATION</th>
<th>CAP DECISION</th>
<th>ERD COURT PROGRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>19-67</td>
<td>080/0297/18</td>
<td>Geoff H Morgan</td>
<td>17 Hannaford Road Blackwood</td>
<td>18/04/19</td>
<td>Retaining Wall, Fencing and Associated Earthworks (Retrospective)</td>
<td>Approval</td>
<td>Refusal</td>
<td>Compromise design granted Development Plan consent by ERD Court. Please see attached Court Order.</td>
</tr>
<tr>
<td>2</td>
<td>19-147</td>
<td>080/0211/19</td>
<td>Kecca Property Group Pty Ltd</td>
<td>25 Chapman Street Blackwood</td>
<td>22/06/19</td>
<td>Divide Land to Create Two Additional Allotments (1:3), Demolish Existing Dwelling and Construct Two (2) Single-Storey Semi-Detached Dwellings, One (1) Detached Dwelling, Swimming Pool &amp; Pool Safety Barrier, Associated Retaining Walls and Earthworks</td>
<td>Approval</td>
<td>Refusal</td>
<td>Applicant has elected to put the appeal on hold until 18 February 2020 to investigate other options on the site.</td>
</tr>
</tbody>
</table>
IN THE ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA

ERD-19-67

BETWEEN

GEOFF H MORGAN
Appellant

and

CITY OF MITCHAM
Respondent

ORDER

Judicial Officer: Commissioner Rumsby
Date: 15 October 2019

BY CONSENT THE COURT ORDERS that:

1. The appeal is allowed.

2. Development Plan consent under the Development Act 1993 is granted for Development Application No. 080/0297/18 for a proposed development described as “Retaining Wall, Fencing and Associated Earthworks” on land comprised in Certificate of Title Register Book Volume 5816 Folio 775 at 17 Hannaford Road BLACKWOOD (“the Development”) subject to the following conditions:

2.1. The Development must be undertaken, completed and maintained to the Council’s reasonable satisfaction in accordance with the following plans comprising (Exhibit A):

- Typical Cross-Section Plan;
- Unlabelled Site Plan with Hannaford Road depicted;
- Site Layout Plan prepared by Martin Goostrey Building Designer dated 5 October 2019;
- Elevation A prepared by Martin Goostrey Building Designer dated 5 October 2019; and
- Elevation B prepared by Martin Goostrey Building Designer dated 5 October 2019.
2.2. All landscaping must be established within three (3) months of the date of substantial completion of the works and thereafter maintained in good condition at all times to the reasonable satisfaction of Council. Vegetation must be replaced if it dies or becomes seriously diseased.

2.3. 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.

2.4. All earthworks associated with the Development must be stabilised in accordance with standard engineering design and practices against erosion and failure.

3. A copy of Exhibit A shall remain on the Court file.
13. OTHER BUSINESS

14. ASSESSMENT MANAGER REPORT
   Nil

15. STRATEGY AND POLICY CONSIDERATIONS

16. CLOSE