NOTICE OF MEETING

NOTICE is hereby given of the following Meeting to be held in the Mayors Parlour, 131 Belair Road, Torrens Park on Thursday, 4 July 2019 commencing as follows:-

- Council Assessment Panel will commence at 6.30 pm

MARC DUNCAN
ASSESSMENT MANAGER
AGENDA

FOR THE

COUNCIL ASSESSMENT PANEL

TO BE HELD ON

THURSDAY 4 JULY 2019

COMMENCING AT 6:30PM
MEETING OF THE COUNCIL ASSESSMENT PANEL TO BE HELD IN THE THE MAYOR’S PARLOUR, 131 BELAIR ROAD, TORRENS PARK ON THURSDAY, 4 JULY 2019 AT 6:30PM.

MEMBERSHIP: David Billington (Presiding Member), Steve Hooper and Michael Osborn
CR: Andrew Tilley  CR: Yvonne Todd (Deputy for Cr Tilley)

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TIM PRIDE
DEVELOPMENT OFFICER-PLANNING
COUNCIL ASSESSMENT PANEL

AGENDA 4 JULY 2019

MEETING OF THE COUNCIL ASSESSMENT PANEL TO BE HELD IN THE MAYOR'S PARLOUR, 131 BELAIR ROAD, TORRENS PARK ON THURSDAY, 4 JULY 2019 AT 6:30PM.

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

**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 6 June 2019 be confirmed.

5. **DISCLOSURE OF PECUNIARY INTERESTS**
6. **DISCLOSURE OF INTERESTS**
7. CATEGORY 3 NOTIFIED APPLICATIONS

7.1 48 CARRICK HILL DRIVE, MITCHAM

1. Snapshot

<table>
<thead>
<tr>
<th>Author:</th>
<th>Marc Duncan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Number:</td>
<td>080/0342/19</td>
</tr>
<tr>
<td>Date of Lodgement:</td>
<td>29/03/2019</td>
</tr>
<tr>
<td>Owner:</td>
<td>Z Teng</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Future Urban Pty Ltd</td>
</tr>
<tr>
<td>Location:</td>
<td>48 Carrick Hill Drive MITCHAM  SA  5062</td>
</tr>
<tr>
<td>Zone:</td>
<td>Hills Face Zone</td>
</tr>
<tr>
<td>Application type:</td>
<td>Non Complying</td>
</tr>
<tr>
<td>Public Notification Category:</td>
<td>Category 3</td>
</tr>
<tr>
<td>Representations Received:</td>
<td>2</td>
</tr>
<tr>
<td>Internal Referrals:</td>
<td>Nil</td>
</tr>
<tr>
<td>External Referrals:</td>
<td>Heritage SA / CFS</td>
</tr>
<tr>
<td>Development Plan:</td>
<td>Consolidated 20 February 2018</td>
</tr>
<tr>
<td>Delegation:</td>
<td>Council Assessment Panel – non-complying applications</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Subject to SCAP concurrence, to Grant Development Plan Consent subject to conditions</td>
</tr>
</tbody>
</table>

2. Background

Nil

3. The Subject Land

The subject land is located on the high eastern side of Carrick Hill Drive. The site is irregular in shape with a corner point being the frontage to Carrick Hill Drive. It includes a depth of 152 metres and a total site area of approximately 7428 square metres. The site is currently accessed via a public access way located along the northern boundary line which is sealed with concrete. The topography of the land is extremely steep with a fall of some 38 metres from the rear of the site to the front property boundary.

The site currently includes an existing single storey detached dwelling, a swimming pool, pavilion and a State Heritage listed water tank currently located underground.

No easements are registered on the Certificate of Title.
4. The Locality

The land and surrounding locality are heavily vegetated with steep gradients. There is a large separation between the subject land and the closest neighbouring properties, with reserves adjoining at all property boundaries.

Another factor that contributes to the character of the larger area is the location of the Zone boundaries in relation to the subject land. The land at 48 Carrick Hill Drive is located within the Hills Face Zone, however the properties located north-east of the subject land are located within the Residential (Foothills) Zone. The requirements in terms of building design are vastly different between the two areas. The properties located within this Zone are also within a Residential Code Area.
4.1 Locality Plan

5. The Proposal

The proposal involves the demolition of the existing dwelling located on the subject land and the construction of a single storey detached dwelling with a basement. The main floor incorporates a four-car garage, library, study, master bedroom including an ensuite, store and dressing room, guest bedroom, four additional bedrooms, laundry, outdoor alfresco, large formal dining and tea room, bar, bathrooms, and combined kitchen, dining, living and walking in pantry area. The basement space includes a music studio, store, gym, bathroom, theatre room, cellar and sauna. A spa and pool, along with a tennis court and various outdoor entertaining spaces are also included within the proposal. The proposal plans, and Statement of Effect are Attachment A.

The proposal includes extensive landscaping.

A 3D Walk-Through of the proposal is available for Panel members to view at https://www.youtube.com/watch?v=PxcM3oCMt4M

6. Zoning

The subject land is depicted on Zone Map Mit/11 in the Mapping Section of the Development Plan.

The land is located entirely within:

- The Hills Face Zone;
- Is covered by the High Bushfire Protection Area Overlay.
7. Procedural Matters

7.1 Classification

The proposed development is considered to be a ‘non-complying’ form of development as outlined under Zone PDC 28;

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

a) The scale and design is such that:

   i. The vertical distance between any point at the top of any external wall and the finished ground level immediately below that point on the wall exceeds three metres, other than gable ends of the dwelling where the distance exceeds five metres

Consideration has been given to whether or not the existing use of the land attracts a consideration of what has become known as the ‘Mercedes’, or existing non-complying use, Principle.

With respect to this Principle, Kourakis CJ said in Caltex Australia Petroleum Pty Ltd v City of Holdfast Bay:

The existing non-complying use principle attributes to Development Plans the purpose of preserving existing use rights and construes their provisions accordingly. The principle of construction having been clearly and repeatedly stated by this Court, the Executive Government may displace it by making express provision to the contrary in Development Plans, and the Legislature may abrogate it through statutory amendment of the Development Act. Until such time as the other arms of government so act, the existing non-complying use principle continues to be a principle of construction of Development Plans.

The existing non-complying use principle holds that in the absence of a contrary indication, a Development Plan’s designation of a use as non-complying does not apply to a development which is a reasonable development, or a continuation of, an existing non-complying use... (my emphasis)

In Ooh! Media Assets v Corporation of the City of Norwood, Payneham and St Peters, a decision analogous to the present involving the consideration as to whether the terms the non-complying trigger on almost identical terms to PDC 28 of the Hills Face Zone represent ‘an express provision to the contrary’ and/or disclose the ‘contrary indication’ necessary to displace the Principle which otherwise would allow the applicant to continue to use the land for these purposes by improving, replacing or better adapting an existing form of development to contemporary conditions.

On the basis of this decision, the wording in PDC 28 discloses an intention on the part of the Executive Government to displace the existing non-complying use principle by making express provision to the contrary in this Plan. It follows
therefore, the proposed development is a kind of development which PDC 28 prescribes as non-complying in the Hills Face Zone.

7.2 Public Notification

The application has been assigned to Category 3 for public notification purposes pursuant to Section 38 of the Development Act 1993.

Two representations were received as a result of the public notification.

<table>
<thead>
<tr>
<th>Representors concerns</th>
<th>Applicants Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulk and visual impact</td>
<td>Single storey detached dwellings, like the replacement dwelling, continue to be envisaged within the Hills Face Zone.</td>
</tr>
<tr>
<td></td>
<td>The mass and vertical profile of the replacement dwelling will not, for the most part, be dissimilar to that of the existing dwelling.</td>
</tr>
<tr>
<td></td>
<td>The replacement dwelling will be barely discernible from the adjacent walking trail, let alone from either of the representors’ properties (the perspectives on Drawing 22 of 23 clearly attest to this).</td>
</tr>
<tr>
<td></td>
<td>The replacement dwelling will not be visible against the skyline when viewed from the surrounding road network or from the very few vantage points within the confines of the plains.</td>
</tr>
<tr>
<td></td>
<td>The replacement dwelling will be set back close to 100 metres from the eastern side of Carrick Hill Drive.</td>
</tr>
<tr>
<td></td>
<td>The footprint of the replacement dwelling will only account for 13.6 percent of the overall area of the site (this represents a negligible increase of 3.6 percent when compared to the footprint of the existing dwelling).</td>
</tr>
<tr>
<td></td>
<td>The replacement dwelling will utilise, to the greatest extent possible, the existing benched platform that was created for the existing dwelling, and the ground floor level of the replacement dwelling will step down from the north to the south in order to further minimise its visual prominence.</td>
</tr>
<tr>
<td></td>
<td>There are no adjacent habitable room windows or private open spaces which</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>7.1</td>
<td>Application is non-complying</td>
</tr>
<tr>
<td>7.1</td>
<td>Lack of visitor car parking</td>
</tr>
<tr>
<td>7.1</td>
<td>Demolition of existing dwelling</td>
</tr>
<tr>
<td>7.1</td>
<td>Intended use as a function centre</td>
</tr>
<tr>
<td>7.1</td>
<td>Construction Management Issues</td>
</tr>
</tbody>
</table>
The proposed development will be staged to allow the earthworks and landscaping within the clouded area on Drawing 03 of 23 to be carried out whilst the replacement dwelling is being documented by the applicant’s Architect.

The applicant has been advised by the owners Project Manager that the replacement dwelling is only likely to take around 18 months to complete.

7.3 Referrals

7.3.1 Internal

Nil

7.3.2 External

7.3.2.1 Heritage SA

Heritage SA considered the proposal to be acceptable in relation to the State Heritage place and confirmed the impact on heritage values to be low.

7.3.2.2 Country Fire Services (CFS)

CFS considered the proposal and are supportive of the amended water supply. Of contention, is the applicants desire to have a highly formalised landscaping scheme around the entire allotment, and the Bush Fire Attack Level mandating a vegetation management area for an allotment considered to be Flame Zone.

8. Key Issues

Key Development Statistics

<table>
<thead>
<tr>
<th>REQUIREMENT</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preserve and enhance the natural character Not a residential zone – services will not be provided</td>
<td>Replacing a previous dwelling on subject land – Residential land use Reasonably Complies</td>
</tr>
<tr>
<td>SITE AREA</td>
<td>Detached (N/A) 7427.7sqm Complies</td>
</tr>
<tr>
<td>FRONTAGE (WIDTH OF ALLOTMENT ALONG THE STREET)</td>
<td>Detached (15m)</td>
</tr>
<tr>
<td>SITE COVERAGE</td>
<td>40% 13.6% Complies</td>
</tr>
<tr>
<td>IMPERVIOUS COVERAGE</td>
<td>60% 15% Complies</td>
</tr>
</tbody>
</table>
The following matters are considered pertinent in reaching a recommendation for the proposal:

- Impact on State and Heritage buildings/places;
- Land Use;
- Form of Development; and
- Non-Complying development in the Hills Face Zone.

9. **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 **Impact on State and Local Heritage Buildings/Places**

There is a State Heritage listed, subterranean water tank on the subject land, constructed in 1879 as part of the extension of the reticulated water system servicing the Adelaide metropolitan area. It was one of five high level, gravity feed tanks built across the Adelaide foothills between 1879 and 1903.

The Mitcham tank was the first of these and one of only two that were constructed of brick and concrete with internal cast iron columns and wrought iron beams supporting a roof of mass concrete on vaulted corrugated iron forms, covered with a 2 feet layer of earth. The tank has an internal diameter of 18 metres, an internal height of 6 metres, and had a nominal storage capacity in excess of 100,000 litres with 9 kilometres of mains servicing the nearby suburb of Mitcham. The water tank was decommissioned in the late 1920s/early 1930s.

On the western side of the subject site is McElligot’s Reserve (part of Brownhill Creek Recreation Park) containing the former McElligot’s Brownhill Creek Quarry, a Local Heritage place (Heritage No 3677) in the Council’s Development Plan.
Plan, which was listed for the historical, economic and social themes represented by the exposed quarry faces.

The applicant has sought professional heritage advice from Bruce Harry & Associates, a respected firm of heritage advisors and architects who deem there will be no meaningful impact of the proposed development upon either the subterranean tanks or the quarry faces. A copy of the advice provided by Bruce Harry & Associates is Attachment B.

The application has been referred to the State Heritage Branch in accordance with Schedule 8 of the Development Regulations. The referral response indicates acceptance of the proposal.

On the basis of this professional heritage advice, the writer is satisfied there will be no deleterious impacts on the State and Heritage places and therefore is acceptable from this point of view of the assessment.

9.3 Land Use

The proposed land use already exists: it is a “detached dwelling” and would normally have existing use rights but a non-complying classification is triggered by the proposed building height above natural ground level.

The proposed development complies with all of the quantitative criteria in the Development Plan for detached dwellings.

The Development Plan does not encourage new residential uses in this zone and specifically calls for the Hills Face Zone to act as a buffer between metropolitan districts and the prevention of urban areas extending into the western slopes of the Mount Lofty Ranges. The Objectives of the zone speak to the preservation of “natural character” and the accommodation of “low-intensity agricultural activities and public/private open space”.

That being said, the Supreme Court has repeatedly stated that the provisions of the Development Plan are not to be construed like a statute: see, for example, St Ann’s College v Corporation of City of Adelaide [1999] SASC 479. A development plan is a planning document couched in the language of planning objectives and principles, rather than that of legal obligation. It uses language appropriate to the expressions of goals and guiding principles, rather than the expression of legal mandates: Walkerville Town Corporation v Adelaide Clinic Holdings Pty Ltd.

However, the Courts have further noted, it is also well established that a plainly applicable principle should only be departed from for good reason. In considering most principles of development control a careful planning judgment will need to be exercised as to the degree of compliance with that principle or group of principles. But there will always be a question as to the weight to be given to clear expressions of policy, such as the Objectives of the Hills Face Zone.

In order to depart from the clearly expressed principles and Objectives for the Zone, there must be what the Courts have to said, “a good reason”. To this end, Bleby J, instructively in Town of Gawler v Impact Investments set out 10 criteria by which a relevant Planning Authority or the ERD Court is justified in departing
from a clearly expressed policy like the Objectives for the Hills Face Zone. The writer considers that criterion 8-10, are most appropriate in the circumstances which provide:

8. **Whether other events have happened since the Development Plan was adopted which make the policy redundant, either generally or in respect of this particular development;**

9. **The probable effect of non-compliance with the policy on the planning objectives of the Zone; and**

10. **Whether non-compliance with the policy in this case is likely to encourage other non-complying developments in the Zone.**

Utilising these criteria, one cannot ignore the practical reality the subject land has been historically divided for residential use and that a substantial dwelling has been constructed and resided in. The Zone Objectives for this particular site are redundant as the die has been cast historically, to approve residential development upon it.

Notwithstanding these Objectives, the Zone PDCs (7-11) specifically envisage that “buildings” will be constructed within the zone. What these principles envisage is the sensitive application of them upon new buildings, rather than the prohibition of such development within the zone.

Further, given the peculiar circumstances to this site, approval of a dwelling will not have deleterious impacts on the planning objectives of the Zone (they already exist) and will not encourage other non-complying development within the Zone.

It therefore follows that extensions to, or as is the case with the present application, new residential uses may be proposed for and are not actively discouraged by the zoning of the land as a result of the redundancy of the policy for this particular piece of land within the Zone.

As a dwelling already exists upon the Subject Land, the development will not create potential demand for services at a cost to the community as set out in the Desired Character Statement.

The writer is satisfied that notwithstanding the extant zoning of the land, the weight to be afforded to the principles that speak against new residential land uses within the zone should be less than if a new dwelling was proposed on a virgin site within the zone. The zone does not prohibit “building” and envisages that some forms of building will invariably occur within it. Consequently, the proposed land use is, *prima facie*, an acceptable one.

9.4 **Form of development**

Having considered the land use is acceptable, the assessment turns to whether the form of development is acceptable considering firstly the Council Wide PDCs and then the Zone PDCs.
From a review of the Council Wide PDCs, it is clear the proposal for a detached dwelling on this very large site is acceptable from an assessment of the quantitative provisions of the Development Plan. This is highlighted by Key Development Statistics Table above.

Compliance with minimum quantitative standards alone however, is not sufficient for the issuing of Development Plan consent. As Debelle J succinctly set out in City of Mitcham v Terra Equities, “[c]ompliance with minimum standards rarely leads to a grant of development consent. Regard must be also had to the qualitative provisions in the Plan when deciding whether it is proper planning to grant development consent.”

It therefore falls to consider the more detailed PDCs found both within the Council Wide and Zone policies to determine if the application warrants consent.

Development within the Hills Face and Residential Hills Zones will largely succeed or fail upon cut and fill considerations. The proposed development, surprisingly for a residence of this scale, involves minimal cut and fill.

The subject land is already benched to accommodate the existing dwelling and any further cut proposed will be entirely hidden under the dwelling or by extensive landscaping.

The excavation proposed will (as encouraged by the Zone PDCs):

- Be undertaken to reduce the visual impact of the building by providing a basement area;
- Ensure the building is located below existing ridge lines;
- Ensure the dwelling is set well back from road, particularly where an allotment is on the high side of the road;
- Provide the dwelling is sited on excavated rather than a filled site in order to reduce the vertical profile of the building;
- Result in the dwelling being single-storey; and
- Retaining walls are designed that they are stepped series of low walls and screened by landscaping.

The proposed dwelling, whilst considerable in size, is finished in dark colours and significantly screened by an extensive landscaping regime retaining existing native vegetation supplemented by non-indigenous species. Coupled with the large site size, the built form sits comfortably on this land occupying 14% of the overall area of the land.

From a design perspective, the architectural theme of the dwelling is akin to Second Empire Architectural style with mansard roof incorporating cast iron decorative cresting atop the roof punctured by arched dormer windows, decorative quoining, and repetitive vertical window treatment to break up the mass of the building.

The design and scale of the building is grand and will take full advantage of the views across metropolitan Adelaide to the west.

The building will be sited some 36 metres at its closest point to the front boundary and 132 metres from its closest neighbouring dwelling. The building is
moderately over sized in terms of height with wall heights in excess of 3.0 metres and a roof height of up to 8.8 metres, however, it does present as a single storey dwelling as envisaged by PDC 8. The dwelling includes variations in wall and roof lines and the floor plan complements the contour of the land. Large verandahs and pergolas, particular the porte cochere feature provide shadowed areas to reduce the bulky appearance of the building.

In any event, the dwelling will not be visible from any street within the zone or from the public open space at the foot of McElligot’s quarry, or from the plains of Metropolitan Adelaide.

In terms of stormwater treatment, the application significantly exceeds Council’s requirements with the provision of a 204,000 litre underground tank for the collection of all roof stormwater. This water will be appropriated for irrigation of the extensive landscaping and for use in the swimming pool.

There is no removal of any native vegetation proposed.

9.5 Non-complying development in the Hills Face Zone

Some commentary is provided in the representations that the application should be refused on the basis of its “non-complying” classification.

Whilst this is an understandable notion when viewed from the perspective of a layperson, it is not an appropriate manner in which to approach proper assessment of non-complying forms of development.

Procedurally, it is more difficult to gain consent for a non-complying development than for a kind of development which is neither complying nor non-complying. However, a non-complying development proposal, in other respects, stands to be assessed in the normal way, upon its merits, as a matter of planning judgement, that is, as to whether it is conducive to the objectives and desired character of the relevant zone and sufficiently accords with the Development Plan generally. (cf: Bleby J in Klein Research Institute Ltd v District Council of Mount Barker & Ors)

Notwithstanding the assignment of non-complying classification, the proposed development falls to be assessed on its merits.

To elevate the non-complying classification of a development as a legal mandate for the refusal of a particular development, would result in the relevant authority falling into error.

In this regard, Bleby J went further, “[t]he making of a planning judgment will require firstly, an identification of the intended character which has been imprinted by the Development Plan upon the particular locality and secondly, an assessment as to how the features of the proposal may impinge upon that character and the associated amenity. A planning judgment made in the exercise of a discretion will then be reached by weighing up the extent of compatibility between the proposal and the Plan. However, in undertaking this exercise it will be borne in mind that the language used in the Plan is that ‘appropriate to the expression of goals and guiding principles rather than to the expression of legal mandates’ (Corporation of the Town of Walkerville v Adelaide Clinic Holdings Pty
Ltd & Anor (1985) 38 SASR 161 at 187 per King CJ). To misinterpret such a goal as a legal requirement in a particular case would give rise to an error of law.”

Panel Members are reminded, to the extent that it is necessary to do so, that this application must be assessed on its merits and not by a classification assigned to it by the Development Plan.


The subject land is located within a high bushfire risk/protection area. The CFS has assessed the subject land as being located within an area considered to be Flame Zone for the purposes of a Bush Fire Attack Level. This is due to the proximity to the adjoining quarry, which contains a high number of pine trees and vegetation. The CFS does acknowledge however, that all other surrounding areas adjacent the site does not pose as high a risk.

The applicant has amended the plans to include a separate water supply tank for the purposes of firefighting, with the tank located such that it can be easily accessed by firefighting appliances from the driveway. The tank is also plumbed to a firehose real at the back the dwelling. The CFS is supportive of the proposed access and water supply.

While the applicant does not agree with the need for increased vegetation management and considers that the proposed landscaping proposes no greater risk to the dwelling than currently exists, the landscaping plan has been amended to provide a lower amount of vegetation and trees to the side and rear of the dwelling adjacent to the quarry. This is considered to be reasonably compliant with the requirements of the Ministers Code in the provision of a management area adjacent to the highest risk.

10. Conclusion

The proposal represents the development of a substantial dwelling on a very large allotment in a Zone that discourages new dwellings, but clearly envisages that dwellings do exist.

The proposed development is substantially in accordance with the aims of the Desired Character Statement where dwellings are said to be an existing element in the otherwise open landscape.

From a design perspective, the appearance of the dwelling is substantial, bold and could be described as a statement building. That aside, there are design elements such as the use of different mouldings, quoins and a mixture of vertical and horizontal elements for articulation, the appearance of a single storey building, and the use of interesting design elements such as the mansard roofing and decorative finishes that provide visual interest. CW PDC 150 provides that the appearance of buildings should not impair the amenity of the locality in which they are situated and to this end, the dwelling, although large, satisfies this requirement.

The proposed development easily satisfies the quantitative criteria with respect to setbacks and private open space in the Development Plan as the Subject Land is a large site meaning that it can easily accommodate a dwelling of this scale. The building height is at certain points of the building over the generally accepted 8 metre
height requirement, but given the location (particularly considering there are no proximate adjacent neighbours, and substantial amount of screening vegetation, it is considered acceptable.

However, the application does not meet all of the criteria found in the Development Plan, particularly the quantitative criteria relating to cut and fill. On the one hand, one must balance the provisions relating to cut and fill with the fact the Subject Land will require cut and fill to simply allow building upon it. Similarly, if one was to avoid cut and fill and place a similarly large dwelling at the rear of the site atop the land with no cut, it would completely dominate the view from the street and those of the neighbours and cause overlooking and potentially, amenity issues.

In assessing compliance with the Development Plan, regard has been had to the planning impacts of cut and retaining walls will have on the neighbouring properties. To this end, the subject land is already stepped with retaining walls and new cut on site will largely be obscured under the bulk of the dwelling. The cut will, in fact, achieve zone PDC 2 by reducing the visual impact of the dwelling (i.e setting it down rather than sitting atop the natural land) and to provide significant underground water storage for rainwater detention and retention which is to be commended.

11. Recommendation

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

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

Subject to the concurrence of the State Commission Assessment Panel (SCAP), GRANTS Development Plan Consent to the application by Future Urban Pty Ltd to demolish the existing dwelling and construct a single storey detached dwelling with basement, swimming pool and safety barrier, associated retaining walls, earthworks and landscaping at 48 Carrick Hill Drive, Mitcham, as detailed in Development Application No. 080/0342/19 subject to the concurrence of the State Commission Assessment Panel, and 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. 080/0342/19, specifically;

   Drawings done by The Galvin Group – Revision A – dated 25/06/2019;
   • Survey
   • Site plan and planting schedule
   • Ground floor plan
   • Ground floor area / Basement floor plan / Basement floor area
   • Elevation and section plan
   • North and south boundary elevations
   • West and east boundary elevations
   • East and south house elevation
   • North and west house elevation
- Architectural detail – east elevation
- Sections X01 and X02
- Sections Y01 and Y02
- Sections Y03 and Y04
- E1 and E2: Existing dwelling versus replacement dwelling
- E3 and E4: Existing dwelling versus replacement dwelling
- Site area/coverage between existing dwelling and replacement dwelling
- Stormwater plan
- Retaining wall plan
- CFS site plan
- Existing site photography and locations and proximity plan
- On site photography
- 3D perspectives
- 3D aerial perspectives

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

2) The applicant must obtain a Heritage Engineers appraisal of the condition and structural capacity of the State Heritage listed tank, to establish a maximum future loading limit for people number and loose garden furniture, etc.

*Reason:* To ensure the structural integrity of the State Heritage listed structure

3) All scarring or physical disturbances of the land during any excavation work must be restricted to only that which is shown on the approved plan and only as required for building work and/or access purposes. All exposed excavations and fill must be covered with top soil and planted with ground cover which will screen the changed land forms and prevent erosion within 6 months of the excavation work taking place.

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

4) The erosion control measures must be maintained throughout the progress of the work.

*Reason:* To protect the natural environment and minimise erosion

5) Any additional excavated material not required as fill for the site must be removed immediately after excavation to prevent bogging and soil washing away.

*Reason:* To protect the natural environment and to minimise erosion

6) Existing trees which are to be retained in accordance with approved landscaping plans for the subject site must not be damaged or removed (including root damage).

*Reason:* To maintain and enhance the visual amenity of the locality in which the subject land is situated
7) All existing significant trees within the subject site not directly affected by site work and building work must be protected during development and retained. Prior to any earthworks on the site, fencing must be erected around the base of the trees to be retained. Vehicles must not be parked or earth/materials placed under the trees.

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

8) 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 galvanised 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

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

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

10) 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

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

Reason: To prevent stormwater sheeting across the verge and roadway and causing a hazard to pedestrians and motorists etc
12) Developments with proposed finished floor levels situated below the street water table level must incorporate a stormwater grate (300mm x 150mm) across the front of the garage and connected into the household stormwater system to provide greater protection against the possibility of stormwater inundation.

*Reason:* To provide additional protection against the possibility of stormwater inundation to the garage and dwelling

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

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

14) 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

15) Stormwater agricultural drains must be installed adjacent to all retaining walls to provide adequate drainage away from all associated building footings and discharged appropriately to the street to the satisfaction of Council.

**Conditions as imposed by CFS:**

16) **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 has no objection to the proposed access driveway as detailed on drawing named Site Plan dated at last revision (A) 15/3/19,** with the following conditions:-

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles.
- The all-weather road shall allow fire-fighting vehicles to safety enter and exit the allotment in a forward direction by incorporating either –
  
  i. A loop road around the building, OR
  
  ii. A turning area with a minimum radius of 12.5 metres, OR
  
  iii. A ‘T’ or ‘Y’ shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.
• Private access shall have minimum internal radii of 9.5 metres on all bends.
• Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.
• Understorey vegetation either side of the access road shall be reduced to a maximum height of 10cm for a distance of 3 metres. Mature trees within this fuel reduced zone may remain.

17) ACCESS (to dedicated water supply)

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

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

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

**The proposed location of dedicated fire water outlet has not been detailed on drawings provided and the proposed location for the dedicated water supply as detailed on drawing named Stormwater Plan dated at last revision (A) 15.3.19 is not conducive to fire fighting intervention in order to adequately defend the property in the event of a bushfire.**

• Water supply outlet shall be easily accessible and clearly identifiable from the access way, that is a distance of no greater than 30 metres (path of travel) 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.

- Ideally a remote water supply outlet should be gravity fed, where this is not possible the following dimensions shall be considered as the maximum capability in any hydraulic design for draughting purposes:
  
  - The dedicated water supply outlet for draughting purposes shall not exceed 5 metre maximum vertical lift (calculated on the height of the hardstand surface to the lowest point of the storage) and no greater than 6 metre horizontal distance.
  
  - The suction outlet pipework from the tank shall be fitted with an inline non return valve of nominal internal diameter not less than that of the suction pipe and be located from the lowest point of extract from the tank. All fittings shall be installed to allow for easy maintenance.

18) WATER SUPPLY

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

Ministers Specification SA78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister’s Specification SA78:

- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.
- The minimum requirement of 22,000 litres may be combined with domestic use, providing the outlet for domestic use is located above the 22,000 litres of dedicated fire water supply in order for it to remain as a dedicated supply.
- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.
- The water storage facility (and any support structure) shall be constructed of non-combustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has –
  
  i. A minimum inlet diameter of 38mm, AND
  ii. Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
  iii. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.

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

- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the habitable building).
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- All fire-fighting hoses shall be readily available at all times.

19) **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.

The proposed landscaping as detailed on drawing named Site Plan (page 3 of 20) does not comply with the above.

- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:
  
  i. The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the ‘clumping’ of shrubs where desirable, for diversity, and privacy and yet achieve the ‘overall maximum coverage of 30%’.
  ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
  iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
  iv. Trees and shrubs must not overhang the rooftop of the building, touch
walls, windows or other elements of the building.

v. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height.

vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.

vii. No understorey vegetation shall be established within 1 metre of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).

viii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves.

ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

Advisory Notes:

1) HERITAGE PLACES

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

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

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

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

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

Attachments:

A. Plans and documentation
B. Statement of representations and applicant’s response to representations
C. External referral response (Heritage SA)
D. External referral response (CFS)
48 Carrick Hill Drive MITCHAM SA 5062

Created By: City of Mitcham
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The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.

Certificate of Title - Volume 5146 Folio 800

Parent Title(s)  CT 4220/839
Dealing(s)  CONVERTED TITLE
Creating Title
Title Issued  30/09/1993
Edition  6
Edition Issued  24/10/2012

Estate Type
FEE SIMPLE

Registered Proprietor
PETER JAMES COULLS
NICOLLE KAY COULLS
OF 48 CARRICK HILL DRIVE MITCHAM SA 5062
AS JOINT TENANTS

Description of Land
SECTION 759
HUNDRED OF ADELAIDE
IN THE AREA NAMED MITCHAM

Easements
NIL

Schedule of Dealings
Dealing Number  Description
11827510  MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

Notations
Dealings Affecting Title
NIL
Priority Notices
NIL.

Notations on Plan

NIL.

Registrar-General’s Notes

AMENDMENT TO DIAGRAM VIDE 61/2001

Administrative Interests

CONFIRMED IN SA HERITAGE REGISTER 16/03/2000
ITEM 7.1 - ATTACHMENT A
ELEVATION AND SECTION PLAN

1:500
ITEM 7.1 - ATTACHMENT A

EAST HOUSE ELEVATION

SOUTH HOUSE ELEVATION
TOTAL SITE AREA - 7,427.65 m²
EXISTING DWELLING AREA - 742.61 m²
REPLACEMENT DWELLING AREA - 1,008.17 m²
TOTAL SITE COVERAGE - 13.5%
EXISTING SITE PHOTOGRAPHY AND LOCATIONS

CAMERA - 01
CAMERA - 02
CAMERA - 03
CAMERA - 04
CAMERA - 05
CAMERA - 06
CAMERA - 07
CAMERA - 08

PROXIMITY PLAN

SCALE 1:1500

01
3D PERSPECTIVES
VIEWPOINTS FROM McELLIGOTT'S QUARRY AND FIRE TRACK
3D AERIAL PERSPECTIVES
AERIAL VIEWPOINTS FROM ALL ANGLES
STATEMENT OF EFFECT
SINGLE STOREY DETACHED DWELLING

48 Carrick Hill Drive, Mitcham

Prepared for:  
Mr Nicho Teng

Date:  
10.04.2019
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Proprietary Information Statement

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Document Control

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1. INTRODUCTION

This statement of effect ("this statement") has been prepared in relation to a proposal by Mr Nicho Teng to replace the existing single storey detached dwelling ("the existing dwelling") at 48 Carrick Hill Drive, Mitcham ("the land") with a new single storey detached dwelling ("the replacement dwelling").

In preparing this statement, we have:

- inspected the land and its surroundings;
- identified and subsequently reviewed what we consider to be the relevant provisions of the Mitcham (City) Development Plan ("the Development Plan");
- examined the compendium of drawings at Appendix 1; and
- met, and discussed the proposal at length, with Mr Tim Pride of the City of Mitcham ("the Council") on two occasions.

This statement satisfies the requirements of Regulation 17, Subordinate Regulations (1) and (5) of the Development Regulations, 2008 ("the Regulations").
2. THE LAND

The land consists of one allotment only.

The allotment to which we refer:

- is situated on the eastern (high) side of Carrick Hill Drive;
- is irregular in shape;
- has an area of 7,427.7 square metres;
- presently accommodates a single storey detached dwelling, an ancillary and subservient pavilion, a domestic swimming pool and a large water tank, the latter of which is classified as a State Heritage Place;
- features two benched platforms;
- descends moderately from the south-east to the north-west;
- is presently accessible via a public accessway on its northern side which is sealed with concrete and connected to the eastern (high) side of Carrick Hill Drive;
- does not appear to contain, or to be surrounded by, any regulated or significant trees; and
- is not encumbered in any way.

Whilst inspecting the land and its surroundings, we noticed, amongst other things, that:

- the land is flanked on its northern, eastern and southern sides by the Waite Conservation Reserve;
- the land is flanked on its south-western side by a public car park which forms part of McElligott’s Quarry Reserve;
- the nearest residence is situated on the western (low) side of Carrick Hill Drive, some 40.0 metres to the north-west of the land; and
- Carrick Hill Drive is a sealed, two-way public road.

The land and its surroundings are shown on Page 20 of the compendium of drawings at Appendix 1.
3. THE PROPOSAL

The proposal is depicted across the compendium of drawings at Appendix 1.

It is also summarised below.

3.1 Demolition

Mr Teng requires and, therefore, seeks development plan consent (‘consent’) from the Council as part of Development Application 080/0342/19 to demolish the existing dwelling, as the heritage listed water tank which is buried beneath the surface of the land precludes this activity from being captured by Clause 12 of Schedule 1A of the Regulations.

3.2 Land Use

The replacement dwelling is properly described in land use terms as a ‘detached dwelling’.

3.3 Footprint

3.3.1 Orientation

The replacement dwelling will be orientated to the north-west.

3.3.2 Siting

The replacement dwelling will be set back not less than 34.0 metres from the northern boundary of the land, 15.6 metres from the eastern boundary of the land, and 6.0 metres from the southern and western boundaries of the land.

3.3.3 Site Coverage

The footprint of the replacement dwelling will occupy 13.6 percent of the overall area of the land.

3.4 Floor Area

The basement will have an internal floor area of 200.0 square metres.

The ground floor level will have an internal floor area of 802.4 square metres.

3.5 Internal Layout

The basement will accommodate a theatre room, a music studio, a gymnasium, a cellar, a bathroom, a powder room, a water closet and three storage rooms (one of which will be set aside for the swimming pool pump).

The ground floor level will accommodate an entrance foyer, a library, a study, an open-plan kitchen, dining and living room, a formal dining room, a bar, a master suite, a guest suite and four other bedrooms (all of which will come with built-in-robies), a communal bathroom, two powder rooms, two water closets, a laundry and a garage.

3.6 External Wall Heights

The external walls of the replacement dwelling will range from 3.0 to 6.4 metres in height.
3.7 Building Height

The replacement dwelling, if measured from the underside of the wrought iron cresting atop the entrance dome to the finished ground level directly below, will be 8.86 metres tall.

Beyond the entrance dome, the replacement dwelling will not exceed 5.72 metres in height.

3.8 External Materials

Mr Teng has selected a handful of complementary materials which will combine to ensure that the replacement dwelling is sturdy and capable of blending in with its surroundings.

The materials to which we refer include, but are not necessarily limited to, rendered masonry, vermiculated quoins, slate tiles, wrought iron cresting, painted timber doors and window frames, and clear glazing.

3.9 Private Open Space

The alfresco, balcony, terrace, swimming pool, tennis court, viewing pavilion and circular lawns will combine to create 1,454.3 square metres of private and functional open space.

3.10 Access

The garage, porte cochere and visitor parking area will be accessible via the existing driveway and public access way.

Access to the garage, porte cochere and visitor parking area will be controlled by an automated sliding gate.

3.11 Parking

The garage has been designed to accommodate four cars, and the visitor parking area on the northern side of the porte cochere appears to be capable of accommodating another three cars.

3.12 Stormwater

A 204,000 litre tank will be installed beneath the surface of one of the circular lawns.

Runoff from the roof of the replacement dwelling will be directed to, and retained by, this tank.

It will also be reused to irrigate the landscaped areas and to top up the swimming pool from time to time.

3.13 Waste

The replacement dwelling will come equipped with three plastic bins (one for putrescibles, one for recyclables and one for organics). All three of the plastic bins will be stored on the south-eastern side of the garage, and wheeled to the nearest section of kerb on collection days.
3.14 Earthworks

It is clear from Pages 12, 13 and 14 of the compendium of drawings at Appendix 1 that:

- the extent of earthworks required to facilitate the construction of the replacement dwelling will be negligible courtesy of the benched platforms that were created to accommodate the existing dwelling;
- none of the proposed sections of cut will exceed 1.5 metres in depth, except for that section associated with the basement; and
- none of the proposed sections of fill will exceed 1.0 metre in height.

3.15 Retaining

It is clear from Page 19 of the compendium of drawings at Appendix 1 that:

- eight of the existing retaining walls will be removed;
- 15 new retaining walls will be erected; and
- only one of the new retaining walls will exceed 1.5 metres in height.

The new retaining wall which will exceed 1.5 metres in height will be concealed by landscaping and the replacement dwelling. It will also:

- minimise the extent of earthworks in the south-eastern corner of the land; and
- prevent the users of the adjacent walking trail from seeing into the replacement dwelling.

3.16 Fencing

No boundary fencing is proposed, as Mr Teng intends to retain and nurture the conifer hedges that were planted back in August, 2018.

3.17 Landscaping

The curtilage of the replacement dwelling and the balance of the land will be comprehensively landscaped with a suitable selection of plants and grasses.

Whilst the type and extent of landscaping is captured on Page 03 of the compendium of drawings at Appendix 1, it is important to note that Mr Teng’s architects have selected those species that are listed in the planting schedule because they:

- are aesthetically pleasing, suited to the local environment and capable of softening the external appearance of the replacement dwelling right from the very outset;
- require little or no supplementary irrigation; and
- do not generate an inordinate amount of leaf litter except for when they are pruned by hand.
3.18 Swimming Pool

A swimming pool will be constructed between the alfresco and tennis court.

The swimming pool will be approximately 13.0 metres in length and 6.5 metres in width. It will also be surrounded by a glazed safety fence and balance tank.

The swimming pool pump will be installed within the confines of the basement so that it cannot be seen or heard.

3.19 Tennis Court

A grass tennis court will be created between the replacement dwelling and the northern boundary of the land.

The tennis court will be approximately 30.0 metres in length and 15.0 metres in width. It will also be flanked on its north-western side by a viewing pavilion.

No artificial lighting is proposed to be erected around the perimeter of the tennis court.

3.20 Staging

Mr. Teng intends to carry out the proposal across two consecutive stages.

The first stage will involve the earthworks and landscaping within the cleared area on Page 03 of the compendium of drawings at Appendix 1.

The second and final stage will involve the balance of the works.
4. THE RELEVANT VERSION OF THE DEVELOPMENT PLAN

The relevant version of the Development Plan for procedural and assessment purposes was gazetted and subsequently consolidated on Tuesday, 20 February 2018.

The land, under this version of the Development Plan, is situated at the periphery of the Hills Face Zone (‘the Zone’), and adjacent to the Institutional and Residential (Foothills) Zones.

It also falls within the ambit of a high bushfire risk area.

According to Principle of Development Control (‘Principle’ 28 of the Zone, the proposal involves a non-complying form of development because:

- the land presently accommodates a detached dwelling [although that dwelling is to be demolished]; and
- the external walls of the replacement dwelling will exceed 3.0 metres in height when measured from the finished ground level.

Notwithstanding this, it remains important to keep in mind that:

- the existing dwelling also falls within the ambit of non-complying development as a consequence of its external wall heights; and
- the proposal must still be assessed on its merits despite its non-complying designation.
5. **THE RELEVANT PROVISIONS OF THE DEVELOPMENT PLAN**

We have considered the following provisions as part of our assessment of the proposal:

**Hills Face Zone**
- **Objectives:** 1 and 2.
- **Principles:** 1, 2, 3, 4, 7, 8, 9, 11, 12, 15, 16, 17, 24, 26 and 28.

**Council Wide**
- **Objectives:** 5, 9, 11, 12, 13, 14, 15, 16, 29 and 32.
- **Principles:** 1, 2, 3, 6, 9, 10, 16, 17, 18, 19, 20, 58, 59, 60, 62, 63, 65, 72, 78, 80, 178, 189, 190, 192, 193, 194, 196, 197, 199, 200, 201, 233, 234 and 240.

**Metropolitan Adelaide**
- **Objectives:** 1, 2, 6, 7, 28, 29, 32 and 38.
- **Principles:** 4, 8, 10, 13, 14, 15 and 16.
6. **ASSESSMENT**

Our assessment of the proposal is set out below.

6.1 **Land Use**

We are of the view that the intended use of the land is entirely appropriate for two reasons.

First, the land is presently, and exclusively, used for residential purposes which means, amongst other things, that:

- the land does not pose a threat to the health or safety of Mr Teng or his family; and
- no productive land is being excised from the Zone.

Second, it is abundantly clear, having considered Principle 1 of the Zone, that single storey detached dwellings, such as the replacement dwelling, continue to be envisaged within the Zone.

Accordingly, the real test is, in our view, whether or not the proposal is consistent with the desired character of the Zone.

Our attention will now shift to this.

6.2 **Desired Character**

The Desired Character Statement for the Zone provides guidance with respect to the intent and general direction of the Zone. It advises, in part, that:

"The western slopes of the Mount Lofty Ranges in metropolitan Adelaide are an important natural asset to both the population of the urban area and the tourism industry. Development which is undertaken in this Zone should not only preserve but should also enhance the natural character of the Zone or assist in the re-establishment of a natural character."

"The term 'natural character' refers to the natural topography, native vegetation and colours, such as greens and browns of non-reflective earthy tones, normally associated with a natural landscape. Additionally, natural character refers to the open character of the land in those areas of the Zone where open grazing currently predominates."

"Each development should be assessed on the extent to which it preserves and enhances the natural character or, more importantly, assists in the re-establishment of a natural character, rather than on the basis of a comparison with existing development in its locality."

We are of the view that the proposal is entirely consistent with the desired character of the Zone for several reasons.

First, no part of the land is presently used for grazing.

Second, no native vegetation will need to be cleared in order for the replacement dwelling to be constructed. In fact, the existing gum trees within the confines of the land, which are native to Australia, will be retained.

Third, the footprint of the replacement dwelling will only account for 13.6 percent of the overall area of the land (this represents a negligible increase of 3.5 percent when compared to the footprint of the existing dwelling).
Fourth, the landscaping plan (Page 03 of the compendium of drawings at Appendix 1) demonstrates Mr Teng’s commitment to not only preserve, but substantially enhance, the natural character of the balance of the land by undertaking mass plantings and creating formal gardens.

Fifth, the external materials, finishes and colours that have been selected by Mr Teng will enable the replacement dwelling to blend in somewhat effortlessly with its immediate surroundings.

### 6.3 Siting

Principle 7 of the Zone provides guidance with respect to the siting of the replacement dwelling. It advises that:

7 Buildings, including structures, should be located in unobtrusive locations and, in particular, should:

(a) be located well below the ridge line;
(b) be located within valleys or behind spurs;
(c) be located in such a way as to not be visible against the skyline when viewed from the roads within the Zone or from the metropolitan area, particularly the Adelaide plains;
(d) be set well back from roads, particularly when the allotment is on the high side of the road;
(e) have the roof line below the lowest point of the abutting road when the allotment is on the low side of the road;
(f) be sited on an excavated rather than a filled site in order to reduce the vertical profile of the building;
(g) be located in such a way as to be screened by existing native vegetation when viewed from the roads within the Zone or from the metropolitan area, particularly the Adelaide plains;
(h) not be located in areas subject to inundation by a 100 year return period flood event or sited on land fill which would interfere with the flow of such flood waters;
(i) not have a septic tank drainage field located in such a way as to pollute watercourses; and
(j) be located in such a way as to maximise the retention of existing native vegetation and retain watercourses in their natural state.

The siting of the replacement dwelling accords with Principle 7 insofar as:

- it will be located well below the nearest ridgeline;
- it will not be visible against the skyline when viewed from the surrounding road network or from the plains;
- it will be set back close to 100 metres from the eastern (high) side of Carrick Hill Drive;
- it will utilise, to the greatest extent possible, the existing benched platform that was created for the existing dwelling;
- it will not be within a flood affected area; and
- it will not be dissimilar to the siting of the existing dwelling, as can be seen from Page 17 of the compendium of drawings at Appendix 1.
6.4 Height and External Appearance

Principle 8 of the Zone provides guidance with respect to the height and external appearance of the replacement dwelling. It advises that:

8 Buildings, including structures, should be designed in such a way and be of such a scale as to be unobtrusive and not detract from the desired natural character of the Zone and, in particular:

(a) buildings should be of a single storey;

(b) the profile of buildings should be low and the roof lines should complement the natural form of the land;

(c) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land;

(d) large eaves, verandahs and pergolas should be incorporated into designs so as to create shadowed areas which reduce the bulky appearance of buildings; and

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

The replacement dwelling will consist of one storey only, as sought by Principle 8 of the Zone.

Its external walls, however, will exceed 3.0 metres in height when measured from the finished ground level.

Be that as it may, we do not consider this numerical departure to be insurmountable because:

- it is clear from the perspectives on Page 22 of the compendium of drawings at Appendix 1 that the replacement dwelling will be barely discernible from the adjacent walking trail, let alone from the surrounding road network;
- it is clear from Pages 15 and 16 of the compendium of drawings at Appendix 1 that the mass and vertical profile of the replacement dwelling will not be dissimilar to that of the existing dwelling;
- the ground floor level of the replacement dwelling will step down from the north to the south in order to further minimise its visual prominence;
- the external walls of the replacement dwelling will be visually interesting; and
- there are no adjacent habitable room windows or private open spaces which could potentially be overshadowed by the replacement dwelling.
6.5 External Materials and Colours

Principle 9 of the Zone provides guidance with respect to external materials and colours. It advises that:

9 The external materials of buildings should:

(a) have surfaces which are of a low light reflective nature; and

(b) be of dark natural colours such as brown and green so as to be unobtrusive, blend with a natural rural landscape and minimise any visual intrusion.

Although the replacement dwelling will be barely discernible from the public realm, we note that:

- its external walls will be rendered in a neutral colour tone which is commonly found throughout this locality;
- its roof will be predominantly sealed with slate tiles which are naturally dark in appearance; and
- none of its external surfaces will be overly reflective.

6.6 Private Open Space

Council Wide Principle 58 provides guidance with respect to the provision of private open space. It advises that:

58 Dwellings should be provided with sufficient private open space to accommodate recreation and leisure needs for future occupants of the dwelling, as well as the service functions of clothes drying and domestic storage. Private open space should be fenced or otherwise screened from view from the street, and located so as to receive reasonable access to direct sunlight.

In particular, private open space should meet the following requirements:

(a) direct ground floor access is to be provided from the living areas of the dwelling to an area of private open space;

(b) the private open space area is able to contain a rectangular area measuring at least 8.0 metres by 5.0 metres for dwelling sites of 450 square metres or more in area and 6.0 metres by 4.0 metres for smaller dwelling sites, with the area having a gradient not exceeding 1-in-8;

(c) no dimension of the private open space area is less than 2.5 metres;

(d) no part of the private open space area includes driveways or car parking areas;

(e) the area of private open space area is not less than 20 percent of the total site area of the dwelling; and

(f) the private open space area is located and designed to take advantage of winter sunlight and available shade in summer.

The alfresco, balcony, terrace, swimming pool, tennis court, viewing pavilion and circular lawns will combine to account for 19.6 percent of the overall area of the land.
Whilst this figure falls marginally short of the recommended figure (not less than 20 percent), we do not consider this numerical departure to be insurmountable because:

- the overall area of the land and its gradient renders the recommended figure (not less than 20 percent) virtually unattainable without significant and unnecessary earthworks taking place which would, of course, be at odds with the desired character of the Zone;
- the alfresco will be visible and accessible from the open plan kitchen, dining and living room on the ground floor level of the replacement dwelling, as sought by Clause (a);
- the alfresco will be 18.0 metres in length and 6.0 metres in width, as sought by Clause (b);
- none of the areas which we have included as part of our calculation will have a minimum dimension of less than 2.5 metres, as sought by Clause (c); and
- the alfresco, balcony, terrace, swimming pool, tennis court, viewing pavilion and circular lawns will all be exposed to an adequate amount of direct sunlight, as sought by Clause (f).

### 6.7 Earthworks and Retaining

Principle 2 of the Zone and Council Wide Principle 65 provide guidance with respect to earthworks and retaining. They advise that:

2. **The excavation and/or filling of land should:**

   (a) be kept to a minimum so as to preserve the natural form of the land and the native vegetation;
   
   (b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment; and
   
   (c) result in stable scree slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the Zone.

65 Earthworks resulting in the filling and/or excavation of land more than 1.5 metres above or below natural ground surface should be avoided, and only undertaken where existing vegetation, proposed landscaping or the form of the building would assist in screening the earthworks from view from the adjoining road.

In addition, retaining walls over one metre in height are to be:

(a) located a minimum of one metre inside the boundary of dwelling site;

(b) if located closer to a road boundary than a dwelling, constructed to allow landscaping to be installed above and over the wall;

(c) not greater than 1.5 metres high.

It is clear from Pages 12, 13 and 14 of the compendium of drawings at Appendix 1 that:

- the replacement dwelling and tennis court have been deliberately placed atop the existing benched platforms in order to negate the need for extensive earthworks, as sought by Principle 2 of the Zone;
- none of the proposed sections of cut, except for that section associated with the basement, will exceed 1.5 metres in depth, as sought by Council Wide Principle 65; and
- none of the proposed sections of fill will exceed 1.5 metres in height, as sought by Council Wide Principle 65.
It is also clear from Page 19 of the compendium of drawings at Appendix 1 that only one of the new retaining walls will exceed 1.5 metres in height.

We do not, however, consider the height of this particular retaining wall to be an issue because it will be concealed by landscaping and the replacement dwelling. It will also minimise the extent of earthworks in the south-eastern corner of the land and prevent the users of the adjacent walking trail from seeing into the replacement dwelling.

6.8 Access

Principle 16 of the Zone provides guidance with respect to access. It advises that:

16 Driveways and access tracks should follow the contours of the land so as to reduce their visual impact and erosion from water runoff and be surfaced with dark materials. The excavation/filling of land should be kept to a minimum in order to preserve the natural form of the land and the native vegetation.

The garage, porte cochere and visitor parking area will be accessible via the existing driveway which follows the contours of the land and cannot be seen from Carrick Hill Drive. The existing, light grey pavers will also be replaced with charcoal cobblestones.

6.9 Parking

Council Wide Principle 62 provides guidance with respect to the provision of parking. It advises that, in part, that:

62 Adequate on-site parking should be provided to meet the needs of residents and visitors, and not create a requirement for on-street parking that would create a danger to the free flow of traffic or cause nuisance to nearby properties.

Accordingly, on-site parking should be provided so as to satisfy the rate applicable to the kind of development as follows:

(b) All other dwellings (excluding development which comprises a hostel or nursing home, or aged persons accommodation defined as housing subsidised under the Aged Persons Homes Act or subsequent legislation).

<table>
<thead>
<tr>
<th>Number of bedrooms or rooms able to be used as bedrooms</th>
<th>Number of car parking spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>One</td>
<td>One</td>
</tr>
<tr>
<td>Two or more</td>
<td>Two</td>
</tr>
</tbody>
</table>

The replacement dwelling generates a theoretical demand for two spaces, as it will contain more than two bedrooms.

As previously mentioned, the garage has been designed to accommodate four cars, and the visitor parking area on the northern side of the porte cochere appears to be capable of accommodating another three cars. The theoretical demand will, therefore, be catered for wholly within the confines of the site.
6.10 Stormwater Management

Council Wide Principle 80 provides guidance with respect to the management of stormwater. It advises that:

80 Development affecting existing stormwater management systems should be designed and located to improve the quality of stormwater, minimise pollutant transfer to receiving waters, and protect downstream receiving waters from high levels of flow.

The existing stormwater drainage network is expected to be able to cope in the event that this development proceeds because:

- the capacity of the combined retention and detention tank beneath the surface of the circular lawn to the west of the tennis court comfortably exceeds the Council’s requirements; and
- a condition can, and most likely will, be imposed by the Council to ensure that overflow from the combined retention and detention tank is discharged to the existing stormwater drainage network in a clean state and at an appropriate rate.

6.11 Bushfire Protection

Council Wide Principle 233 provides guidance with respect to development in high bushfire risk areas. It advises that:

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

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

The replacement dwelling will be constructed on the flattest portion of the land. It will also be well removed from any hazardous vegetation.

With that said, it remains important to note, in the unlikely event that a bushfire were to spread all the way to the periphery of the Zone, that the metropolitan fire service will be able to:

- access the replacement dwelling and its curtilage via the existing public accessway which connects into the eastern (high) side of Carrick Hill Drive; and
- draw surplus water from the swimming pool, and combined retention and detention tank.
6.12 Services

Principle 12 of the Zone provides guidance with respect to the provision of essential services. It advises that:

12 Development should not in itself, or in association with other development, create a potential demand for the provision of services at a cost to the community.

The land presently accommodates a detached dwelling which is already connected to the full suite of essential services, including electricity, gas, potable water and waste collection.

The proposal will not, therefore, generate a demand for additional services which would ordinarily come at a cost to the local community.
7 THE EXPECTED SOCIAL, ECONOMIC AND ENVIRONMENTAL EFFECTS

7.1 The Expected Social Effects

The proposal is expected to have a positive social effect because:

- it will enhance Mr Teng’s quality of life; and
- it will allow the adjacent walking trail to be passively surveilled during the day and at night.

7.2 The Expected Economic Effects

The proposal is expected to have a positive economic effect because:

- it will create employment opportunities during the demolition, preparation and construction phases; and
- it will increase the Council’s rate revenue without generating a demand for additional services at a cost to the local community.

7.3 The Expected Environmental Effects

The proposal is expected to have a positive environmental effect because:

- it will not only preserve, but substantially enhance, the natural character of the balance of the land courtesy of the extensive landscaping that is proposed; and
- the installation of a 204,000 litre rainwater tank beneath the surface of one of the circular lawns will ensure that the carrying capacity of the existing stormwater drainage network is not overloaded by this development.
8 CONCLUSION

We have concluded from our assessment of the proposal that it is worthy of consent.

In support of our conclusion, we wish to highlight that:

- single storey detached dwellings, such as the replacement dwelling, continue to be envisaged within the Zone;
- the natural character of the balance of the land will not only be preserved, but substantially enhanced, courtesy of the extensive landscaping that is proposed;
- the replacement dwelling will, irrespective of its overall height, be barely discernible from the surrounding road network or from the plains;
- the replacement dwelling and tennis court have been deliberately placed atop the existing benched platforms in order to negate the need for extensive earthworks;
- Mr Teng and his family will have access to a sufficient amount of private and functional open space;
- Mr Teng and his family will also have access to more than the recommended number of off-street parking spaces;
- the carrying capacity of the existing stormwater drainage network will not be overloaded by this development; and
- the proposal will not generate a demand for additional services which would ordinarily come at a cost to the local community, as the land presently accommodates a detached dwelling which is already connected to the full suite of essential services, including electricity, gas, potable water and waste collection.
APPENDIX 1.  COMPENDIUM OF DRAWINGS
Project 2036

20 May 2019

Future Urban Group
Level 1 / 89 King William Street
ADELAIDE SA 5000

Attention: Mr Fabian Barone

Dear Sirs

Proposed residence and site works, 48 Carrick Hill Drive, Mitcham

HERITAGE IMPACTS REVIEW

As requested, I have reviewed the concept drawings for the proposed residence and associated site works, inspected the State Heritage listed former E&WWS water tank facility on the site, considered the assessed heritage values that formed the basis for its statutory heritage listing, and now provide the following comments.

Historical Context

The large, subterranean water tank on the site was constructed in 1879 as part of the extension of the reticulated water system servicing the Adelaide metropolitan area. It was one of five high level, gravity feed tanks built across the Adelaide foothills between 1879 and 1903.

The Mitcham tank was the first of these and one of only two that were constructed of brick and concrete with internal cast iron columns and wrought iron beams supporting a roof of mass concrete on vaulted corrugated iron forms, covered with a 2 feet layer of earth. The tank has a nominal internal diameter of 60 feet (18 metres), a nominal internal height of 19 feet 6 inches (6 metres), and had a storage capacity of 270,000 gallons with 5½ miles of mains servicing the nearby suburb of Mitcham. The water tank appears to have functioned for over fifty years until it was decommissioned in the late 1920s/early 1930s.

The “Former E&WWS Water Tank, Mitcham” was entered in the S.A. Heritage Register on 16 March 2000 (SHID 16244) as an important example of aspects of the evolution or pattern of the State’s history i.e. as part of the development and extension of Adelaide’s suburban water supply system (SA Heritage Places Act statutory criterion (a)), and for its rare, uncommon or endangered qualities of cultural significance i.e., being one of only two such brick, concrete, and iron high level water tanks constructed across the Adelaide foothills and the only example that survives largely intact (statutory criterion (b)).
Given the subterranean nature of the water tank it has almost no visual presence in the landscape of its locality, with its heritage values residing primarily in the surviving underground fabric of the original tank structure and its remaining associated functional accoutrements. Despite having been out of service for many decades, the physical integrity of the structure appears to be high.

The existing dwelling on the subject site is situated approximately 45 metres uphill from the historic water tank, separated from it by extensive terracing and random stone embankments, a swimming pool and associated pavilion. In the vicinity of the underground tank, there is minimal landscaping with this area of the site remaining largely undeveloped.

![Photograph 1: View of earth cover to water tank roof, with air vents and access pits in the foreground and existing dwelling, terracing and landscaping, uphill beyond.](image1)

![Photograph 2: Detailed view of cast iron air vents and earth cover over water tank and undeveloped surrounding site area.](image2)
On the western side of the subject site is McEligot's Reserve (part of Brownhill Creek Recreation Park) containing the former McEligot's /Brownhill Creek Quarry, a Local Heritage place (Heritage No 3677) in the Mitcham (City) Development Plan, which was listed for the historical, economic and social themes represented by the exposed quarry faces and remains (SA Development Act statutory criterion (a)).

Photograph 3: View across Council Reserve to exposed face of the former McEligot's
Brownhill Creek Quarry

The Proposed Development

It is proposed to demolish the existing dwelling on the site and replace it with a more substantial residence positioned similarly on the site, but oriented more towards the northern aspect, with the existing terracing and landscaping in the vicinity of the new dwelling remodelled to accommodate a swimming pool and tennis court. Below the tennis court retaining wall, the now largely unutilised site is to be landscaped to accommodate three, circular grassed areas, surrounded by planting to create sheltered, lower garden areas. The intended use of the proposed garden circles is for informal enjoyment of the large site area below the house.

The largest garden circle will be above the historic underground water tank, however no substantial topographic alterations or bulk earthworks are proposed in the immediate vicinity of the tank, with the existing earth filled roof over it requiring only minimal regrading and grassing to create the proposed circle. The four cast iron tank vents within the circle will be retained and conserved, as will the existing metal access hole covers and adjacent valve pit.

A bed of low English Lavender and Roses is proposed around the perimeter of the historic tank, to visually define its underground extent. The areas beyond are to be informally planted with Alder trees for environmental screening and ivy ground cover.
Impact of the Proposed Development upon the adjacent Heritage Places

As the identified heritage values of the State Heritage place are substantially embedded in its underground building fabric, and its historical and social associations with Adelaide’s reticulated water supply system in the late 19th/early 20th Century are visually intangible, the site context of the former E&WS water tank will not be compromised by the proposed landscaping of its locality.

Further, as no heavy machinery is to be used on, or in the immediate vicinity of the historic underground tank structure to establish the proposed garden areas and their associated plantings, the physical structure, detailing and fabric integrity of the former E&WS water tank should not be physically affected by the proposed siteworks. Only minimal stabilisation works are required to its few above ground elements to secure its safety and longevity.

However while the historic water tank roof structure was designed to carry a substantial mass concrete and earth load, it would be advisable to obtain a Heritage Engineers appraisal of the condition and structural capacity of the tank, to establish a maximum future loading limit for people numbers and loose garden furniture etc.

Conclusions

Having considered the potential impacts of the proposed development on the State Heritage listed former E&WS Water Tank, I am satisfied that there will be no meaningful impacts on its heritage values or site context.

I am also of the opinion that the adjacent former McElligot’s/Brownhill Creek quarry is sufficiently distant both physically and visually from the proposed development to be unaffected by it.

Yours faithfully

[Signature]

Bruce Harry
Principal
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: development@mitchamcouncil.sa.gov.au
    via post: PO Box 21 Mitcham Shopping Centre TORRENS PARK SA 5062

Attention: Tim Pride – 8372 8161

Development No: 080/0342/19 - 48 Carrick Hill Drive MITCHAM SA 5062
Closes: 5.00PM – 30 April 2019

Your details

Name: CHRISTINE HEARD
Address: 43 CARRICK HILL DRIVE MITCHAM
Email: CHeard44@bigpond.com Phone: 0408 804 655

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

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: MESELFIY DAUGHTER

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

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

CONCERNED ABOUT THE SCALE OF THE DEVELOPMENT, PLUS THE UTTER WASTE OF DEMOLISHION OF CURRENT DWELLING

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

NOTHING

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

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: CHRISTINE HEARD DATE: 29-4-19
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: development@mitchamcouncil.sa.gov.au
via post: PO Box 21 Mitcham Shopping Centre TORRENS PARK SA 5062
Attention: Tim Pride – 8372 8161

Development No: 080/0342/19 • 48 Carrick Hill Drive MITCHAM SA 5062
Closes: 5.00PM – 30 April 2019

Your details
Name: Jana-Maj Freeman
Address: 45 CARICK HILL DVE MITCHAM SA
Email: Jfreeman@jayfresh.com.au Phone: 0419 999 122

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

I / we: (tick one option below)
☐ Support Proposed Development
☐ Support Proposed Development but have 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: MYSELF OR MY WIFE

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

Reasons for comment: (attach additional page(s) if required)
The development is non-complying INADEQUATE VISITOR CAR PARKING FOR SUCH A LARGE RESIDENCE WHICH CURRENTLY HAS SIGNIFICANT ENTERTAINING AND HOSTING INTENTION ASSOCIATED NOISE DISTURBANCE CONCENTRATED NOT A HOME. ADDING TO EXISTING RESIDENCE KEEPING THIS DEVELOPMENT

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

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: 30.4.19
RE: Development No. 080/0342/19
48 Carrick Hill Dr, Mitcham SA 5062

Additional Comments:

I also have concerns relating to the demolition and removal of existing residence and pool house and the very significant scale of the proposed new residence, pool and whole block landscaping. This would be a major undertaking with major heavy equipment and significant materials required over a prolonged period.

The private amenity of residences on Carrick Hill Dve, in particular 46, 45, 43, 39 Carrick Hill Dr, will be severely impacted by this proposed development, as will the public amenity of those who utilise and enjoy the public reserve at Meechigata Oval and the adjacent trail.

I am particularly concerned with noise and dust from demolition and building contractor engagement, as well as traffic and parking requirements during the period of demolition and construction, which could be ongoing for a number of years. (Note, we have endured 2 years of noise, dust and disturbance from a current construction on Pages Road, Mitcham – we do not wish to endure 2-3 years of demolition and construction of such a large scale, clearly non-compliant development on 48 Carrick Hill Dr.)
3) RE: Development No: 080/0247/19
48 Carrick Hill Ave, Mitcham SA 5162

Whilst I have serious concerns of the impact this development will have on our private & public amenity during demolition and construction, my main concern relates to the development once constructed.

A) The scale of this development is non-compliant with Mitcham Council regulation for this land zoning.

B) The proposed development, in scale and amenity is akin to a function centre. I have concerns this development will have ongoing impact on our amenity.

I request Council deny this proposed development...
REF: C315 - Responses to Representations

15 May 2019

Mr Tim Pride
Team Leader, Planning and Business Support
The City of Mitcham
By email: tpride@mitchamcouncil.sa.gov.au

Dear Tim,

RE: DEVELOPMENT APPLICATION 080/C342/19

We have been instructed by the Applicant, Mr Nieko Teng, to summarise and respond to the concerns that have been raised by both of the representatives.

Before doing so, we would like to point out that:

- both of the representatives reside on the western (opposite) side of Carrick Hill;
- neither of these properties are orientated to the site of the replacement dwelling;
- the nearest of these properties is located more than 120 metres to the north-west of the replacement dwelling; and
- the finished floor level of the replacement dwelling will sit approximately 25 metres above the surface of Carrick Hill Drive (there will, therefore, be a significant change in elevation between these properties and the replacement dwelling).

Our response is set out below:

Demolition

Both of the representatives are concerned about the “demolition [sic] of current dwelling”.

We do not share their concern for three reasons.

First, the existing dwelling is neither a local nor a state heritage place. It is reasonable to conclude, therefore, that its external fabric is of little to no value to this particular locality or to the broader Council Area.

Second, there are no provisions within the Mitcham (City) Development Plan which speak against the demolition of the existing dwelling.

Third, the demolition of the existing dwelling would ordinarily be captured by Clause 12 of Schedule 1A of the Development Regulations, 2008 (Schedule 1A sets out those forms of development which do not require development plan consent). It is only because of the proximity of the heritage listed tank that development plan consent is required for this activity to be lawfully undertaken.

REF: C325 | 15 May 2019
Construction Process

One of the representors is concerned that the construction of the replacement dwelling will occur "over a prolonged period".

This representor need not be concerned for three reasons.

First, Mr. Teng is required by legislation to substantially commence the proposed development within 12 months of the operative date of the development approval and to subsequently complete the proposed development within three years of the operative date of the development approval.

Second, the proposed development will be staged to allow the earthworks and landscaping within the clouded area on Drawing 08 of 23 to be carried out whilst the replacement dwelling is being documented by Mr. Teng’s Architect.

Third, we have been advised by Mr. Teng’s Project Manager that the replacement dwelling is only likely to take around 18 months to complete.

Land Use

One of the representors is concerned that the replacement dwelling will be used as a function centre.

This representor need not be concerned for two reasons.

First, the replacement dwelling will become Mr. Teng’s principal place of residence.

Second, enforcement proceedings could, and most likely would, be brought against Mr. Teng or any future owner by the City of Mitcham in the event that it became aware that the replacement dwelling was being used for anything other than residential purposes.

Scale

Both of the representors are concerned about the ‘scale’ of the replacement dwelling.

We do not share their concern for the following reasons:

- Single storey detached dwellings, like the replacement dwelling, continue to be envious within the Hills Shire zone.
- The mass and vertical profile of the replacement dwelling will not, for the most part, be dissimilar to that of the existing dwelling.
- The replacement dwelling will be barely discernible from the adjacent walking trail, let alone from either of the representors’ properties (the perspectives on Drawing 22 of 23 clearly attest to this).
- The replacement dwelling will not be visible against the skyline when viewed from the surrounding road network or from the very few vantage points within the confines of the plains.
- The replacement dwelling will be set back close to 100 metres from the eastern side of Carrick Hill Drive.
The footprint of the replacement dwelling will only account for 13.8 percent of the overall area of the site (this represents a negligible increase of 3.8 percent when compared to the footprint of the existing dwelling).

The replacement dwelling will utilise, to the greatest extent possible, the existing bench platform that was created for the existing dwelling, and the ground floor level of the replacement dwelling will step down from the north to the south in order to further minimise its visual prominence.

There are no adjacent habitable room windows or private open spaces which could be directly overlooked or overshadowed by the replacement dwelling.

**Amenity**

It has been asserted by one of the representors that "the private amenity of residences on Carrick Hill Dve [sic], in particular 46, 45, 43, 39 Carrick Hill Dve [sic] will be severely [sic] impacted by this proposed development."

We respectfully disagree with this assertion for several reasons.

First, neither the owners nor the occupiers of the dwellings at 39 and 46 Carrick Hill Drive, Mitcham have objected to the proposed development. It is reasonable to suspect that they would have if this was actually going to be the case.

Second, the replacement dwelling will not cast a single shadow over either of the representors' properties.

Third, Council Wide Principle 18 calls for development adjacent to the Residential Zone to minimise 'direct views' of adjacent habitable room windows and private open spaces, not to prevent them altogether.

To this end, we note:

- the representors' properties are already visible from the existing bench platforms within the confines of the site due to the significant change in elevation;
- the nearest of these properties is located more than 130 metres to the north-west of the replacement dwelling; and
- it is commonly accepted that anything beyond a 80 metre radius is not considered to be a 'direct view'.

Third, domestic noise is a matter for the South Australian Police to deal with.

Fourth, the proposed development, by virtue of its low density, residential nature, complies with Council Wide Principle 15 insofar as it is most unlikely to have a detrimental effect on the amenity of this particular locality by way of:

- the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants;
- noise;
- vibration;
- electrical interference;
- light spill;
* place,
* hours of operation, or
* traffic.

**Car Parking**

One of the representors is concerned that there will be a shortage of on-site car parking.

This representor need not be concerned because:

- the replacement dwelling generates a theoretical demand for two on-site car parking spaces;
- the aforementioned demand will be catered for by the garage, which has been designed to accommodate four cars; and the area on the northern side of the porte cochere, which has been designed to accommodate another three cars; and
- the proposed development complies with, and comfortably exceeds the expectations of, Council Wide Principle 62.

**Summary**

We remain of the view, despite the handful of concerns that have been raised, that the proposed development warrants development plan consent.

Given that both of the representors wish to appear before the Council Assessment Panel (the CAP) in relation to this matter, could you please confirm when this matter will be presented to the CAP so that we may be on hand to respond to them, and to answer any queries or concerns which the CAP may have.

Yours Sincerely

[Signature]

Fabian Barone
Director
Ref: SH/16244D  
Date: 30 May 2019  

Chief Executive Officer  
City of Mitcham  
131 Belair Road  
Torrens Park 5062  
Attention: Tim Pride

Dear Mr Pride

DESCRIPTION: SINGLE STOREY DETACHED DWELLING WITH BASEMENT, SWIMMING POOL & SAFETY BARRIER, ASSOCIATED RETAINING WALLS, EARTHWORKS & LANDSCAPING AT 48 CARRICK HILL DRIVE, MITCHAM

Application number: 080/342/19  
Referral received: 29/04/2019  
State heritage place: Former E&WS Water Tank, Mitcham, 48 Carrick Hill Drive MITCHAM  
Documentation: As lodged including later plans and heritage report from Bruce Harry & Associates

The above application has been referred to the Minister for Environment and Water in accordance with Section 37 of the Development Act 1993 as development that directly affects a State heritage place or, in the opinion of the relevant authority, materially affects the context within which a State heritage place is situated.

The proposed development is considered to be acceptable in relation to the above State heritage place for the following reason/s.

- The proposed development consists of the demolition of an existing large house and the construction of a new larger house also sited sufficiently above and away from the former E&WS water tank.
- The top of the tank is covered with earth over an early unreinforced cement/concrete cover to arched corrugated iron sheets on cast iron beams supported by cast iron columns in the masonry walled 18 foot high 275,000 gallon tank.
- The tank would not be compromised and only used for a base for a landscaped area. Original features such as the four unique extant above ground vents and ancillary tanks access and service elements would be retained as agreed on site with Heritage South Australia.
- The landscaping is planned to be non-affecting with shallow rooted planting and sufficient surface water run-off provided.
- A heritage report confirming the low impact or heritage values and providing professional advice to the applicant has been prepared by Bruce Harry & Associates also as agreed on site.

General notes

1. Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Environment and Water. Such changes would include for example (a) an application to vary the planning consent, or (b) Building...
Rules documentation that incorporates differences from the proposal as documented in the planning application.


3. The relevant planning authority is requested to inform the applicant of the following requirements of the Heritage Places Act 1993.

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

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

For further information, contact the Department for Environment and Water.

4. The relevant planning authority is requested to inform the applicant of the following requirements of the Aboriginal Heritage Act 1988.

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

Any enquiries in relation to this application should be directed to Kevin O’Sullivan on telephone (08) 8124 4922 or e-mail DEW.StateHeritageDA@sa.gov.au.

Yours sincerely

Kevin O’Sullivan
Senior Conservation Architect
Department for Environment and Water
as delegate of the
MINISTER FOR ENVIRONMENT AND WATER
6 June 2018
City of Mitcham
PO Box 21
TORRENS PARK  SA  5062

ATTN: B ANDRETZKE

Dear Bethany,

RE: DEVELOPMENT APPLICATION (PLANNING ASSESSMENT) – COULLS
48 CARRICK HILL DRIVE, MITCHAM

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

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

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

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

The SA Country Fire Service has no objection in principle to the proposal to undertake residential development on the above mentioned allotment.

In order for the proposed development to be deemed suitable, the SA CFS requests the mandatory conditions of the Minister’s Code 2009 “Undertaking development in Bushfire Protection Areas” (as amended October 2012) are addressed, and in particular please see ‘Access to dedicated water supply & Vegetation Management’:

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 has no objection to the proposed access driveway as detailed on drawing named Site Plan dated at last revision (A) 15/3/19, with the following conditions:-

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either –
  i. A loop road around the building, OR
ii. A turning area with a minimum radius of 12.5 metres, OR

iii. A ‘T’ or ‘Y’ shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.

- Private access shall have minimum internal radii of 9.5 metres on all bends.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.
- Understorey vegetation either side of the access road shall be reduced to a maximum height of 10 cm for a distance of 3 metres. Mature trees within this fuel reduced zone may remain.

ACCESS (to dedicated water supply)

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

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

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

The proposed location of dedicated fire water outlet has not been detailed on drawings provided and the proposed location for the dedicated water supply as detailed on drawing named Stormwater Plan dated at last revision (A) 15.3.19 is not conducive to fire fighting intervention in order to adequately defend the property in the event of a bushfire.

- Water supply outlet shall be easily accessible and clearly identifiable from the access way, that is a distance of no greater than 30 metres (path of travel) 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.

- Ideally a remote water supply outlet should be gravity fed, where this is not possible the following dimensions shall be considered as the maximum capability in any hydraulic design for draughting purposes:
The dedicated water supply outlet for draughting purposes shall not exceed 5 metre maximum vertical lift (calculated on the height of the hardstand surface to the lowest point of the storage) and no greater than 6 metre horizontal distance.

The suction outlet pipework from the tank shall be fitted with an inline non return valve of nominal internal diameter not less than that of the suction pipe and be located from the lowest point of extract from the tank. All fittings shall be installed to allow for easy maintenance.

**WATER SUPPLY**

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

Ministers Specification SA78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister’s Specification SA78:

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

- The minimum requirement of 22,000 litres may be combined with domestic use, providing the outlet for domestic use is located above the 22,000 litres of dedicated fire water supply in order for it to remain as a dedicated supply.

- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.

- The water storage facility (and any support structure) shall be constructed of non-combustible material.

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

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

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

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

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

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

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

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

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

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CFS Mission
To protect life, property and the environment from fire and other emergencies whilst protecting and supporting our personnel and continuously improving.
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- All fire-fighting hoses shall be readily available at all times.

**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.

The proposed landscaping as detailed on drawing named Site Plan (page 3 of 20) does not comply with the above.

- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:
  i. The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the ‘clumping’ of shrubs where desirable, for diversity, and privacy and yet achieve the ‘overall maximum coverage of 30%’.
  ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
  iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
  iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
  v. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height.
  vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
  vii. No understorey vegetation shall be established within 1 metre of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
  viii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves
  ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

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
6 June 2018

City of Mitcham
PO Box 21
TORRENS PARK  SA  5062

ATTN: B ANDRETZKE

Dear Bethany,

RE: BUSHFIRE ATTACK LEVEL (BAL) ASSESSMENT – COULLS 48 CARRICK HILL DRIVE, MITCHAM

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

A site bushfire attack assessment was conducted in accordance with the National Construction Code of Australia [NCC] and Australian Standard™3959 (AS3959) “Construction of Buildings in Bushfire Prone Areas”.

This report shall not be considered as SA CFS endorsement of any subsequent development.

This BAL report is considered relevant at the date of assessment.

ASSESSMENT DETAILS:

<table>
<thead>
<tr>
<th>Category of Bushfire Attack</th>
<th>BAL FZ (FLAME ZONE)</th>
</tr>
</thead>
</table>

BUILDING CONSIDERATIONS

Please refer to the NCC, relevant standards and state provisions for construction requirements and performance provisions.

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

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

Yours sincerely,

LEAH BERTHOLINI

BUSHFIRE SAFETY OFFICER
DEVELOPMENT ASSESSMENT SERVICE
### 7.2 19 PRITCHARD GROVE PANORAMA

#### 1. Snapshot

<table>
<thead>
<tr>
<th>Author:</th>
<th>Bethany Andretzke</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal:</td>
<td>Detached Dwelling, Garage, Verandah, Balcony, Retaining Walls, Associated Earthworks and Water Tanks.</td>
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<tr>
<td>Development Number:</td>
<td>080/1217/18</td>
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<tr>
<td>Date of Lodgement:</td>
<td>28/09/2018</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr M Maher &amp; Mr E Azimi</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Maurice Hood</td>
</tr>
<tr>
<td>Location:</td>
<td>19 Pritchard Grove PANORAMA SA 5041</td>
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<tr>
<td>Zone:</td>
<td>Hills Face Zone</td>
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<td>Application type:</td>
<td>Non-Complying</td>
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<td>Public Notification Category:</td>
<td>Category 3</td>
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<td>Representations Received:</td>
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<td>Internal Referrals:</td>
<td>Engineering and Horticulture</td>
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<td>External Referrals:</td>
<td>CFS (Country Fire Service)</td>
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<tr>
<td>Development Plan:</td>
<td>Consolidated 20 February 2018</td>
</tr>
<tr>
<td>Delegation:</td>
<td>Council Assessment Panel – Non-complying application</td>
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<tr>
<td>Recommendation:</td>
<td>To Grant Development Plan Consent subject to concurrence from SCAP</td>
</tr>
</tbody>
</table>

#### 2. Background

The subject land is a vacant allotment, currently containing some scattered mid-sized trees.

No previous development applications have been lodged on the subject land.

#### 3. The Subject Land

The subject land is 19 Pritchard Grove, Panorama (CT 5796/236).

The land does not comprise any buildings and is situated at the end of Pritchard Grove which is a cul-de-sac. It is irregular in shape with an approximate area of 2,105 square metres and a 23.6 metre frontage to Pritchard Grove.

An easement for sewer infrastructure travels parallel to the front boundary, 3.66 metres in width.

The subject land has a predominant slope upwards from Pritchard Grove at a varied gradient. On average, the gradient of the land is approximately 1 in 4.5. Scattered mid-sized trees are randomly situated throughout the subject land.
4. **The Locality**

The locality contains a mix of residential and recreational/environmental uses on sloping land.

O’Deas Reserve is situated east and south of the subject land and comprises of dense native vegetation and sloping land including cliffs. O’Deas Reserve is primarily used for hiking, jogging and passive recreation activities. The reserve significantly contributes to the natural character of the locality and the Hills Face Zone.

Residential development is situated north and west of the subject land. Dwellings in the locality are detached and situated on irregular shaped allotments ranging from approximately 900 to 1,150 square metres. Dwellings are either single storey, two-storey or split levelled to address their sloping allotments.

Established trees are scattered throughout the locality however some established dwellings have opted for manicured front gardens, rather than native trees.
4.1 Locality Plan

![Locality Plan Image]

Figure 2: Locality (highlighted by blue outline) / subject site (highlighted in red) / Residential (Foothills) zone and Residential Code overlay (highlighted in purple)

5. The Proposal

According to Regulation 16, if an application will require a relevant authority to assess a proposed development against the provisions of a Development Plan, the relevant authority must determine the nature of the development and proceed to deal with the application according to that determination.

As such, it is considered that the proposal is best described as follows:

- Detached dwelling with associated garage, verandah, balcony, retaining walls, earthworks and water tanks

The detached dwelling will span outward from an elevated rear southern section of the land, over the associated double garage, workshop and storage area. The proposal therefore has elements which are two-storey, with a maximum height of 8.8 metres to the apex of the roof.

The proposed detached dwelling encompasses of 5 bedrooms, 2 bathrooms, lounge and open plan kitchen, dining and family room. The balcony will project forward from the façade of the building towards Pritchard Grove, while an alfresco will extend from the living space towards the rear.
Development of the land requires excavation and fill given its slope. The proposal includes a combination of excavation, fill, split floor levels, retaining walls and batter. The highest retaining wall will be 1 metre. Batter will surround the proposal. Substantial amounts of vegetation is included surrounding the dwelling.

Vehicle access will be provided from Pritchard Grove via a driveway that travels parallel to the contours of the land.

Two 22,500 litre water tanks are shown on the Civil Plan and will be situated to the northern side of the proposed dwelling.

6. **Zoning**

The subject land is depicted on Zone Map Mit/14 in the Mapping Section of the Development Plan.

The land is located entirely within:

- The Hills Face Zone; and
- Is covered by the High Bushfire Protection Overlay.

7. **Procedural Matters**

7.1 **Classification**

According to Section 35 of the Development Act (1993), there are three kinds of development, with all developments being classified as either *complying*, *non-complying* or *merit*.

In this circumstance, the proposal is “non-complying” as per Principle of Development Control 28 of the Hills Face Zone, for the following reasons:

- The vertical distance between any point at the top of any external wall and the finished ground level immediately below that point on the wall exceeds three metres
- There is a floor level directly above another floor level
- The depth of excavation and/or height of filling of land exceeds 1.5 metres
- Involves the clearance of native vegetation comprising trees and/or shrubs

As such, the proposal has been assessed as a “non-complying” form of development.

7.2 **Public Notification**

The Zone does not assign a public notification category to the proposal.

Schedule 9 of the Development Regulations 2008 guides that “1 or more detached dwellings” is Category 1 for public notification purposes, “except where the development is classified as non-complying”.

Being non-complying, the application has been assigned to Category 3 for public notification purposes pursuant to Section 38 of the Development Act 1993. Three representations were received during the public notification period.
Two of the representations indicated that they supported the proposal, while the other representor identified some concerns they had with the proposed development application.

No representor has indicated a desired to be heard by the Council Assessment Panel.

<table>
<thead>
<tr>
<th>Representor's concerns</th>
<th>Applicants Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colour of the upper portion of the house is unacceptable.</td>
<td>The colour (beige royal) was selected to create a neutral structure reflecting the colour of the natural scrub below the green canopy of surrounding trees.</td>
</tr>
<tr>
<td>Fencing does not appear to be part of the application.</td>
<td>Refer to comments below.</td>
</tr>
<tr>
<td>All fencing should be post and wire. The area is not a residential zone thus privacy is irrelevant.</td>
<td>Wooden lattice fencing to be situated on southern boundary. This will add privacy for the occupants from the neighbouring reserve and keep hikers out of the private property.</td>
</tr>
<tr>
<td>Exterior colour of the house should be darker to minimise visual impact.</td>
<td>Extensive tree planting will be undertaken in the front, side and rear of the dwelling. When mature, these plants will reduce visual impact and bulk of the building.</td>
</tr>
</tbody>
</table>

7.3 Referrals

7.3.1 Internal

7.3.1.1 Engineering

Finished floor levels, drainage and driveway access arrangements were assessed by Council’s engineering department, whereby were in support of the proposal and believed it to have provided enough information to determine its appropriateness.

7.3.1.2 Horticulture

After review of the options pertaining to access for a CFS firefighting truck over Council’s verge, the horticultural department appreciated the difficulty in being able to achieve this. As such, comments outlined the need to minimise as best as possible; the potential impact on trees and that reasonable care be taken to ensure as many trees to be retained as possible.
7.3.2 External

The proposal has been referred to the CFS (South Australian Country Fire Service) because it is a dwelling situated within a “High Bushfire Risk Area”.

Outlined in Attachment E the CFS has indicated that they have no objection to the proposal subject to particular conditions being imposed. These conditions relate to:

- Access to the dwelling.
- Access to a dedicated firefighting supply.
- Provision of a dedicated firefighting supply.
- Provision of a “Vegetation Management Zone” around the dwelling.

8. Key Issues

Key Development Statistics

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<th>DESIRED CHARACTER</th>
<th>REQUIREMENT</th>
<th>PROPOSED</th>
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<tr>
<td>Preserve and enhance the natural character of the Zone.</td>
<td>Reasonably complies</td>
<td>Removal of vegetation kept to a minimum and additional landscaping proposed. Residential allotment existing</td>
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<tr>
<td>Not a residential zone.</td>
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<th>SITE AREA</th>
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<td>Detached (N/A)</td>
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<th>FRONTALAGE</th>
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<td>40%</td>
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<th>PROPOSED</th>
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<tbody>
<tr>
<td>60%</td>
<td>Complies</td>
<td>24.8%</td>
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<th>PRIVATE OPEN SPACE</th>
<th>REQUIREMENT</th>
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<tbody>
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<td>20%</td>
<td>Complies</td>
<td>Approximately 50%</td>
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<table>
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<th>FLOOR AREA RATIO</th>
<th>REQUIREMENT</th>
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<tbody>
<tr>
<td>0.5 of the site</td>
<td>Complies</td>
<td>0.2</td>
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<table>
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<th>SETBACKS</th>
<th>REQUIREMENT</th>
<th>PROPOSED</th>
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</thead>
<tbody>
<tr>
<td>PRIMARY STREET</td>
<td>Average of Adjoining</td>
<td>Complies</td>
</tr>
<tr>
<td>Average is approximately 7.4 metres. Some dwellings with very small setback yet others with large setbacks.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SIDE</td>
<td>Allotments&gt; 450m2 - 1m3m</td>
<td>Complies</td>
</tr>
<tr>
<td>REAR</td>
<td>5m</td>
<td>Complies</td>
</tr>
</tbody>
</table>
The following matters are considered pertinent in reaching a recommendation for the proposal:

- Residential use of the subject site;
- Natural character;
- Design and Appearance;
- Excavation and Fill; and
- Bushfire Protection

9. 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 Residential use of the subject site

The subject land is situated within the Hills Face Zone; an area that is set aside for the preservation of the natural landscape character backdrop of the Adelaide Hills. Objectives 1 and 2 seek that new development should preserve, enhance or re-establish the area’s natural character. Zone principle of development control 1 specifically limits new development to low-intensity agricultural activities, open space for passive recreational pursuits, or provide use of an open character. The Hills Face Zone acknowledges that while seeking uses that retain a natural character, these are often required to be ancillary to a low intensity residential use. Hence, Zone principle of development control 1 envisages the construction of single storey detached dwellings with a low profile on individual existing allotments. Such development should also include native landscaping.

The subject land is currently an existing vacant allotment at the end of a cul-de-sac, set amongst other residential properties. The existing allotment is of a similar size to neighbouring allotments which currently house detached dwellings. It therefore is considered not to be out of character within the locality and deemed to be suitable and intended for a residential purpose.
9.3 Natural character

The objectives of the Hills Face Zone highlight how development should \textit{preserve and enhance the natural character}, with the term “natural character” referring to the \textit{natural topography}, \textit{native vegetation} and \textit{colours}.

\textit{Natural topography}

The existing natural topography falls from the south east corner to the north west corner, as such any development to occur on the land is likely to require some alteration to the natural slope of the land. With this the case, the proposed dwelling involves a split level, designed to follow the contour of the land to help minimise the disturbance to the natural topography of the land.

\textit{Native Vegetation}

The proposal for a dwelling on the subject land requires the removal of various amounts of vegetation. It is acknowledged that this would be required for any form of development on the site. Due to this, the applicant has arranged a “Native Vegetation Clearance Assessment Data Report” and obtained endorsement from the Native Vegetation Council for the clearance of trees on the land, up to 0.16 hectares. This endorsement is subject to conditions, including the provision of Development Approval.

Due to the application involving the removal of native plants, the alteration of the natural topography and the construction of a dwelling, the proposal has incorporated various native plants and moss rocks. This aims to “enhance” the natural character by way of screening the proposed dwelling from direct view and help continue to provide that natural backdrop when being viewed from the Adelaide Plains.

On this basis, no objection is raised to the clearance of impacted native vegetation on the land with the addition of new native landscaping being planted to ensure the proposal both aims to \textit{preserve and enhance} the natural character relating to native vegetation.

\textit{Colours}

The dwelling proposed to be constructed on the subject site involves a Colorbond “Woodland Grey” roof with cladded “Beige Royal” walls and a Colorbond “Timbagrain Caoba” garage door. These low-light reflective colours are relatively complimentary within the locality by blending in with the “earthy” surrounding.

9.4 Design and Appearance

Principles of Development Control 7 and 8 of the Hills Face Zone seek that buildings are designed in a way to be of a scale that is unobtrusive and not detract from the natural character of the Zone. Buildings and structures should be designed and located in such a way that they are not readily visible.

Although the proposed development is located on the high side of Pritchard Grove and appears to the street as a multi-storey development, from the north it
is situated behind existing dwellings with a reserve space located behind and to the south of the subject land. It is therefore considered to be reasonably hidden from view until the subject land is reached at the end of the cul-de-sac. Furthermore, this also makes it unlikely to be seen from the Adelaide Plains; meeting PDC 7(c) of the Zone.

Whilst the multi-storey design of the dwelling does not strictly adhere to the requirement of PDC 8(a) of the Zone, consideration must be given to the overall design concepts used in order to complement the natural form of the land and reduce the overall mass of the building. It has been designed to reasonably complement the natural fall of the land through its split-level design in incorporating the multi-storey element at the front and single storey at the rear. In addition to this, the use of verandahs, balcony area, large eaves and differing setbacks for main walls are also incorporated into the design to further reduce the bulk and visual mass of the built form. This follows PDC 8(c) and 8(d) of the Zone.

Incorporating the garage under the main roof does not accord with PDC 8(e), however if it was separated a substantially more extent of earthworks would be necessary which is the element which the desired character statement outlines how it should be minimised the most.

PDC 17 of the Zone is additionally met with this proposal by incorporating a boundary wooden lattice style fence. This minimises the visual impact by it being see-through and of a natural colour and material to the area.

Lastly, notwithstanding the desired character for the Hills Face Zone directly outlines how existing buildings should not be seen as setting a precedent when assessing the impact on the proposed development; it is still acknowledged that a number of large multi-storey dwellings exist within the locality. Hence, the proposal is not to be seen as “out of character” within the locality.

For the above reasons the proposal, whilst non-complying, reasonably accords with the objectives and policy intent expressed by the Hills Face Zone provisions. The proposed dwelling is considered to be an appropriate form and scale within the locality.

9.5 Excavation and fill

The ‘Civil Plan’ indicates the lower level requires fill to a maximum height of 1.23 metres in the north east corner and cut at a maximum height of 1.27 metres in the opposite corner. The lower section then includes a 1:2 batter back to natural ground level. The second level begins above the lower level garage/store space and follows the batter, then cuts into natural ground level at the south east corner to a maximum height of 1.37 metres.

PDC 2 of the Hills Face Zone outlines how;

The excavation and/or filling of land should:

(a) Be kept to a minimum so as to preserve the natural form of the land and the native vegetation;
(b) Only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment; and

(c) Result in stable scree slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character

By way of the proposal including a split level design which aim to follow the contours of the land, sited in the best location on the subject land and using native vegetation and moss rock retaining to help enhance the subject land in keeping with the natural character of the Zone. In addition, the earthworks involved for the construction of the proposed dwelling are relatively even between the amount of cut to fill.

Furthermore, Council Wide Principle of Development Control 65 states how;

*Earthworks resulting in the filling and/or excavation of land more than 1.5 metres above or below the natural ground surface should be avoided, and undertaken where existing vegetation, proposed landscaping or the form of the building would assist in screening the earthworks from view from the adjoining road.*

In addition, retaining walls over one metre in height are to be:

(a) Located a minimum of one metre inside the boundary of dwelling site;
(b) If located closer to a road boundary than a dwelling, constructed to allow landscaping to be installed above and over the wall;
(c) Not greater than 1.5 metres high

The proposal is considered to meet the above CW PDC 65 even with a maximum retaining wall height of one metre which will be hidden behind the garage and thus not visible within the streetscape nor the locality.

Notwithstanding the overall extent of excavation and fill necessary for the construction of the proposed dwelling, it is considered not to detract from the natural character of the locality nor detrimentally impact on neighbouring properties. This is due to the native landscaping involved, utilising a split level design and the siting of the dwelling on the subject land.

9.6 Bushfire Protection

The subject land is situated within a “High Bushfire Risk Area”. Council Wide Principle of Development Control 240 guides that, development on the land should be in accordance with the “Minister’s Code: Undertaking Development in Bushfire Protection Areas”. The proposal satisfies the Minister’s Code as follows;

- The dwelling has safe and convenient access/egress for vehicles from an all-weather public road;
- The furthest point of the building is 30 metres from Pritchard Grove;
- The proposal includes a 22,500 litre water tank that is dedicated to fire fighting purposes. This tank is appropriately located for convenient access by emergency services. A second 22,500 litre water tank is additionally available for general use for the dwelling;
• Trees in place of the proposed dwelling are to be removed, with sufficient space surrounding the dwelling to not be considered unreasonably hazardous.

Overall the proposal has made a conscious effort to address all the aspects relating to building within a High Bushfire Protection Area in order to prevent the loss of life and property, as indicated in Objective 2(d) of the Zone.

10. Conclusion

In summary, the application is reasonably consistent with the provisions of the Development Plan in regards to the Council Wide quantitative requirements and the qualitative provisions and objectives of the Hills Face Zone.

As such, the proposed development is considered appropriate for the following reasons;

• Proposal retains the existing residential use of the land and is situated amongst a cul-de-sac of established detached dwellings on similar sized allotments
• Demonstrates a reasonable approach to preserve and enhance the natural character of the zone
• Appropriately screened from the Adelaide Plains by the location of the allotment behind an existing dwelling
• Considered to be sited in the most appropriate location on the subject site to reduce the extent of earthworks and vegetation removal
• Designed to have a similar bulk and scale impact to existing dwellings situated on Pritchard Grove
• Considered not to pose an unacceptable bushfire risk by providing the appropriate measures for reducing this

Notwithstanding the non-complying nature of the development, the proposal is an appropriate form of development for both the site and within the locality. Therefore, the proposal exhibits sufficient merit to warrant Development Plan Consent.

11. Recommendation

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

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

Subject to the concurrence of the State Commission Assessment Panel (SCAP), GRANTS Development Plan Consent to the application by Maurice Hood to construct a detached dwelling, garage, verandah, balcony, retaining walls, associated earthworks and water tanks at 19 Pritchard Grove, Panorama, as detailed in Development Application No. 080/1217/18 subject to the concurrence of the State Commission Assessment Panel, and 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. 080/1217/18 and more specifically the following plans;

- Civil Plan – FMG Engineering – Drawing no. HC01 – dated 07/12/2018
- Site Plan (with CFS vehicle turn around) – Wilcot Drafting – dated 23/05/2019
- Floor Plan – Wilcot Drafting – dated 30/12/2018
- Upper Floor Plan – Wilcot Drafting – dated 30/12/2018
- Northern and Western Elevation – Wilcot Drafting – dated 30/12/2018
- Eastern and Southern Elevation – Wilcot Drafting – dated 30/12/2018
- Sections – Wilcot Drafting – dated 30/12/2018
- Site Plan – Wilcot Drafting – dated 30/12/2018
- Landscaping Plan (using Site Plan – Wilcot Drafting – dated 30/12/2018)
- 3D images
- Statement of Effect prepared by Matt Maher – dated 5/1/2019
- Native Vegetation Clearance Assessment Data Report – assessed and compiled by Jeremy Tiller – Document number MM_001 – December 2018

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

Reason: To ensure the proposal is developed in accordance with the approved plans

2) The landscaping must be established within 12 months from occupation of the herein approved dwelling, and the landscaping shall be maintained in good condition at all times, with the replacement of any landscaping that dies or becomes seriously diseased.

Reason: To ensure the amenity of the locality is maintained

3) All existing vegetation within the subject site not directly affected by site work and building work must be protected during development and retained. Prior to any earthworks on the site, fencing must be erected around the base of the trees to be retained. Vehicles must not be parked or earth/materials placed under the trees.

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

4) All scarring or physical disturbances of the land during any excavations work must be restricted to only that which is shown on the approved plan and only as required for building work and/or access purposes.

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

5) Any additional excavated material not required as fill for the site must be removed immediately after excavation to prevent bogging and soil washing away.
6) Retaining walls necessary for retention of earthworks associated with foundations for the development are required to be constructed prior to or concurrently with the earthworks.

Reason: To protect the natural environment and minimise erosion

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

Reason: To minimise soil erosion and ensure compaction of foundations

8) 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 networks, 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

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

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

Reason: To prevent stormwater sheeting across the verge and roadway and causing a hazard to pedestrians and motorists etc

11) The new residential driveway crossover must be constructed in accordance with Council’s Engineering detail SD-600, Sheets 8,9 & 10.

NOTE: An application to construct an invert/crossover in a public street must also be lodged with Council.
Reason: To comply with Council standard invert/crossover construction specification for residential driveways

12) All earthworks associated with the development must be stabilised in accordance with standard engineering design and practices against erosion and failure.

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

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

13) 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

14) The stormwater outlet to the street is to be angled to discharge into the directional flow of stormwater within the street to prevent it sheeting across the roadway and potentially causing a road hazard.

**Conditions as imposed by CFS:**

15) **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 has no objection to the proposed access driveway as detailed on drawing named Site Plan dated at last revision 23/05/2019, with the following conditions:-**

   - Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
   - The ‘T’ shaped turning area, (utilising the public road or other areas designated unrestricted right of way) shall be a minimum formed length of 11 metres with minimum internal radii of 9.5 metres on bends, including bends connecting private access to public roads. **(Note: Radii not depicted in drawings, however must be an all weather formed surface)**
   - Vegetation overhanding the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.
   - The gradient of the access road shall not exceed 16 degrees (29%), in steep terrain the construction of the public road or driveway shall be a sealed surface.
   - Entry and exit angles to the driveway shall be designed to accommodate safe travel for large fire fighting vehicles with a long wheel base (Length 8.3 metres).
16) **ACCESS (to dedicated water supply)**

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

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

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

**SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named Site Plan dated at last revision 23/05/2019 providing the outlet is positioned to comply with the following conditions:**

- 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.

17) **WATER SUPPLY**

Minister’s Code 2009 “Undertaking development in Bushfire Protection Areas” (as amended October 2012) Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made available at all times for fire-fighting.
Ministers Specification SA 78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister’s Specification SA 78:

- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.
- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.
- The water storage facility (and any support structure) shall be constructed of non-combustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has –
  i. A minimum inlet diameter of 38mm, AND
  ii. Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
  iii. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the habitable building to ensure occupants safety when operating the pump during a bushfire. An ‘Operations Instruction Procedure’ shall be located with the pump control panel.
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (ie. At opposite ends of the habitable building).
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- All fire-fighting hoses shall be readily available at all times.
18) **VEGETATION**

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

- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:
  i. The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the ‘clumping’ of shrubs where desirable, for diversity, and privacy and yet achieve the ‘overall maximum coverage of 30%’.
  ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
  iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
  iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
  v. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height.
  vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
  vii. No understorey vegetation shall be established within 1 metre of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
  viii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves.
  ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

**Attachments:**

A. Plans and documentation
B. Representations received
C. Applicant response to representations
D. Internal referral response (Engineering / Horticulture)
E. External referral response (CFS)
F. Locality and Site photos
Certificate of Title - Volume 5796 Folio 236

Parent Title(s)          CT 3754/70
Creating Dealing(s)     CONVERTED TITLE
Title Issued             07/08/2000          Edition 5          Edition Issued 03/10/2017

Estate Type
FEE SIMPLE

Registered Proprietor
MAHYAR MAHER
EMAN AZIMI
OF 19 PRITCHARD GROVE PANORAMA SA 5041
AS JOINT TENANTS

Description of Land
ALLOTMENT 24 FILED PLAN 149757
IN THE AREA NAMED PANORAMA
HUNDRED OF ADELAIDE

Easements
SUBJECT TO EASEMENT(S) OVER THE LAND MARKED A TO THE MINISTER FOR INFRASTRUCTURE (T 3097010)

Schedule of Dealings
NIL

Notations
Dealings Affecting Title  NIL
Priority Notices         NIL
Notations on Plan        NIL
Registrar-General's Notes NIL
Administrative Interests  NIL
THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 3754/70
SEE TITLE TEXT FOR EASEMENT DETAILS

LAST PLAN REF: DP 3261

DISTANCES ARE IN FEET AND INCHES
FOR METRIC CONVERSION
1 FOOT = 0.3048 METRES
1 INCH = 0.0254 METRES

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION
Proposed Residence
19 (Lot 24) Pritchard Grove
Panorama, S.A., 5041
for M. Maher

Drive onto Neighbour's Crossover and Reverse into B Pritchard Grove.
CFS Fire Appliance to Leave in Forward Direction.
Proposed Residence
at 19 (Lot 24) Pritchard Grove
Panorama, S.A., 5041

for M. Maher

Final Drawings - Flexing
Date: 26/10/2019

Dimensions: Take Preferable Over
Shade
All Dimensions Are To Be Checked On

[Diagram of upper floor plan with measurements and annotations]

[Notations related to building codes and standards]

[Signature and contact information]
ITEM 7.2 - ATTACHMENT A

Proposed Residence

Site Plan

1:200

PRITCHARD GROVE

Volume 5796 Folio 226
Map M014
Hills Park

Proposed Residence

Proposed Balcony

Proposed Alfresco
Extensive use of locally sourced Moss rocks to retain natural topography of the site.

Native Vegetation to be planted extensively to minimise erosion and provide screening of new dwelling:
- Pandorea Jasminoides on existing lattice fence on western boundary
- Maleacea ‘Claret Tops’
- Maleacea Little Red
- Poa Labillardiere 'Tussock Grass' to stop erosion beneath Existing trees
- Syzygium 'Bush Christmas' Lilly Pilly
- Westringia Fruticosa
- Callistemon 'Candy Pink'
- Westringia 'Jervis Bay'
- Tristania abyssiana Brush PBR
- Syzygium 'Aussie Compact' Lilly Pilly

Owner to provide retaining consisting of Boral gardenwall in paperbark colour. The specified heights are as follows: Top finished level 105.85 BL: 105.10

Owner to provide retaining consisting of Boral gardenwall in paperbark colour. The specified heights are as follows: Top finished level 105.10 BL: 104.35

Owner to provide retaining consisting of Boral gardenwall in paperbark colour. The specified heights are as follows: Top finished level 104.35 BL: 103.60

Owner to provide retaining consisting of Boral gardenwall in paperbark colour. The specified heights are as follows: Top finished level 103.60 BL: 102.85

Owner to provide two 22500L water tanks. As per FMG engineers drawings.

Owner to provide wooden lattice fence along southern boundary adjacent to reserve.

The front driveway will consist of 400x400mm Charcoal boral pavers in order to accommodate any future required access to sewer within the easement.

The gradient for the given driveway is given by FMG engineering. The given gradient indicated in sectioned into 3 segments, the first at +2.5%, increasing to +6.5% and then a final gradient of +9.87% entering into the double garage.

Wooden sleepers to be used at boundary instead of concrete sleepers - deemed to satisfy FMG engineers drawings. (Maximum height 950mm at Boundary)
Statement of Effect

Location: City of Mitcham

Subject Site: 19 Pritchard Grove Panorama SA 5041. The site is within allotment 24 of CT/5796/236 (F149757) in the Hundred of Adelaide

Proposal: To construct a new single story residential dwelling with undercroft garage and workshop. It is important to note that the proposed dwelling will not be distinctly visible from the Adelaide Plains.

While it can be noted that the external wall height of the proposed dwelling exceeds 3m from natural ground level, the floor plan has been architecturally designed to minimize disturbance to natural topography of the site and surrounding area, thus, although deemed as a non-complying form of development, the proposal is not considered to be seriously at variance to the provisions of the development plan and warrants the planning panel’s consent.

Background: This statement of effect has been prepared by Matt Maher who is the newly acclaimed owner of this urban land situated at 19 Pritchard Grove Panorama situated 10 Km South of Adelaide CBD. The site has a frontage of 35.92m, a depth of over 50m and a total area of 2100m. No prior development approvals have been sought for this land.

The Location:

The City of Mitcham comprises of multiple zones as defined by the 2018 Development plan including the Hills Face Zone. The Subject building is located in a relatively small group of predominantly split level designed homes situated in the Hills Face Zoned. This zone seeks the following objectives:
Objective 1

A zone in which the natural character is preserved and enhanced or in which a natural character is re-established in order to:

(a) provide a natural backdrop to the Adelaide plains and a contrast to the urban area;
(b) preserve and develop native vegetation and fauna habitats close to metropolitan Adelaide; (c) provide for passive recreation in an area of natural character close to the metropolitan area. (d) provide a part of the buffer area between metropolitan districts and prevent the urban areas extending into the western slopes of the Mount Lofty Ranges; and (e) ensure that the community is not required to bear the cost of provided services to land within the zone.

Objective 2

A zone accommodating low-intensity agricultural activities and public/private open space and one where structures are located and designed in such a way as to:
(a) preserve and enhance the natural character or assist in the re-establishment of a natural character in the zone;
(b) limit the visual intrusion of development in the zone, particularly when viewed from roads within the zone or from the Adelaide plains;
(c) not create, either in themselves, or in association with other developments, a potential demand for the provision of services at a cost to the community; and
(d) prevent the loss of life and property resulting from bushfires.

Given the above, the zone is inhabited by residential structures which enhance the upkeep of the bush land making it less of a fire risk, reducing burden on local government services.

The subject premise is located on the Eastern end of Pritchard Grove at the highest point of the street where the surrounding bush land is met with residential dwellings. Along both sides of the street, a magnitude of new and old residential homes can be seen. Residential dwellings within the street have been constructed on a manner to utilize best practical outcome for residents. Abutting the subject site to the North-West boundary is a two story dwelling situated around pictures gardens. See image below:
Description of the Proposal:

The current site is a 2100sqm vacant block of land. This proposal seeks to obtain approval for a residential single story home with an undercroft garage and workshop. The architecturally designed open plan living is tailored to the contour of the site, minimizing cut and fill and positioned in accordance to recommendations obtained from an arborist report aimed at minimizing impact on the native vegetation. Refer to Native Vegetation Clearance Assessment Report 19 Pritchard Grove Panorama - October 2017.
Above: Desired position of the proposed dwelling as indicated by *Native Vegetation Clearance Assessment Report 19 Pritchard Grove Panorama - October 2017*.

The dwelling will be aesthetically pleasing and in norm with the surrounding dwellings on the street. The front façade aims to incorporate front balcony and large eves to not only minimize bulk from the street front, but to also provide shade from hot summer western sun; minimizing cooling costs. Below the balcony is a double garage and workshop designed in a position to utilize the slope of the land and thus minimizing the overall footprint of the dwelling. The Roof will be of a dark colourbond woodland grey colour a non reflective dark grey with a tinge of green and brown resembling colours of neighboring tree canopies, and thus minimizing visual impact from afar. The lower floor will be constructed from dark charcoal colored bricks with beige mortar and the upper floor will be constructed from hebel panels rendered in 'Beige Royal' to blend in with surrounding bush land. The use of pillars and overhanging balcony over the first floor in conjunction with materials used and colours detailed provides good articulation in assisting to minimize visual bulk from the street front. A 3D image has been generated to visualize the development. Also note that as native vegetation matures in the established home, the bulk from the street front is further reduced as illustrated by the second 3D render below.

Above: 3D render of proposed Dwelling situated at 19 Pritchard grove Panorama (Newly established dwelling with landscaping)
The proposal includes concrete retaining walls constructed from boral 'Gardenwall' blocks situated at the front of the dwelling spanning 10m in length to a maximum of 1m in height over 3 levels. The front garden will also incorporate moss rocks to minimize erosion where appropriate.

The proposal also seeks concrete retaining designed of concrete sleeper and metal posts to a height of 1.5m along the south eastern elevation and around the dwelling where cut into natural land will be required to establish the foundation.

Two 22500L Corrugated metal water tanks will be positioned in the north western corner of the property (BL 101.78) to meet firefighting regulations for the high bushfire risk zone as per FMG Engineering recommendations.

1. Development should not be undertaken unless it is associated with a low-intensity agricultural activity, a public open space area... or is a detached single-storey dwelling

The development seeks approval for a detached single story dwelling with associated undercroft garage and workshop to suit the topography of the site as to minimize the overall footprint and environmental impact on the site.

2. Preserves and enhances the natural character of the zone or assists in the re-establishment of a natural character

While the current visual character of the site resembles bush land, immediate neighbors have raised concerns in regards to inattention over the years and potential bush fire hazard, a new residential dwelling and its household will ensure this space inclusive of its native vegetation is maintained not only to minimize fire hazard, but to enhance bird life in the area. In doing so the development adheres to Objective 1 A,B,C,D,E and Objective 2 A,B,C,D of the principles of development control as stated in the City of Mitcham development plan 2018.

Above: 3D render of proposed Dwelling situated at 19 Pritchard grove - {Established home 1-2 years post construction}
(3) Buildings should be designed in such a way and be of such a scale as to be unobtrusive and not detract from the desired natural character of the zone and, in particular:

a. Buildings should be of a single-storey

As alluded to previously, the dwelling is of a single story with incorporated garage located below the main living area to complement the contour of the land.

b. The profile of buildings should be low and the roof lines should complement the natural form of the land

The profile of the desired building could be seen to be low relative to the slope of the site which slopes west to east, 99.12 to 110.00 respectively. While a flat roof design with surrounding box gutters were considered in the design process, consideration was given to increased fire risk associated when gutters fill up with leaves from surrounding trees.

c. The mass of building should be minimized by variations in wall and roof lines and by floor plans which complement the contours of the land

While every effort was made to minimize the mass of the building by creating variation in front facade and roof lines the selected floor plan was designed to complement the contour of the land while maintaining internal functionality and adhering to the recommendations of the Native Vegetation Clearance Assessment Report.

d. Large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas which reduce the bulky appearance of buildings; and

The proposed dwelling seeks to utilize a large balcony to minimize the visual bulk of the building when seen from the street front. Moreover due to the position of the site situated at the end of the cul-de-sac relative to the winding street; means that it is already hidden away from the majority of pass through traffic.

e. The mass of the buildings should be minimized by having separate vehicle storage areas

Although the mass of the building could be minimized by having a separate vehicle storage area (garage), this would result in increased cut and fill of the natural ground and the resultant separate garage would require greater clearance of native vegetation. Consequently the decision was made to incorporate the vehicle storage beneath the proposed dwelling.

(4) The external materials of buildings should be of dark natural colours such as brown and green so as to be unobtrusive, blend with a natural rural landscape and minimize any visual intrusion

The roof and gutter is of a dark woodland grey colour, which is a blend of grey, green and brown which aims to seamlessly blend into the treetops. The body of the building has been altered to reflect a light sandstone colour to also minimize visual intrusion with the surrounding landscape.

(5) Any essential clearance of native vegetation should be accompanied by conservation initiatives, such as replanting with indigenous native vegetation, to ensure the overall result is a biodiversity gain.

A comprehensive Native Vegetation Clearance Assessment Report has been conducted prior to architecturally drawn plans were initiated. The report indicates that the proposed development and associated native vegetation clearance would be considered to comply with Regulation 12(33) – New Dwelling or Building Of The Native Vegetation Regulations (2017).
(6) Native trees, shrubs and ground covers should be established to screen development, including scree slopes created as a result of the excavation and/or filling of land, in such a way that the bushfire hazard is not increased.

The owner agrees to abide by the above terms to ensure native trees; shrubs and ground covers are incorporated in the landscaping in such a way that the risk of bushfire is not only not increased, but rather significantly decreased. Moreover, moss rocks will be extensively used to retain the natural slope of the land.

**City Of Mitcham Development Plan – Assessment- Residential- Council Wide- Principles of development Control:**

<table>
<thead>
<tr>
<th>Site Coverage</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site coverage is the area of the site that is actually covered by buildings, including dwelling, sheds, garages, carports etc at ground level. Other than development that fits the criteria of Schedule 1A and Schedule 4 of Development Regulations 2008, the following applies: The maximum site coverage for dwellings in any Residential Zone, other than Residential (Hills), Residential (Craigburn), and Residential (Foothills) is:</td>
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<tr>
<td>• 40% for the total ground floor area (including verandahs, carports, garages etc);</td>
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<tr>
<td>• 60% for impervious surfaces (including buildings, driveways, car parks, paving etc). Where dwellings contain more than one storey or floor levels above the ground, the total floor area of the development should not exceed 50% of the site area.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site Areas and Dimensions</th>
<th>Complies.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 1 (see page 10) outlines the minimum requirements for various residential developments as well as indicating the kind of developments not allowed in particular Zones. Allotment areas and configurations should generally result in:</td>
<td></td>
</tr>
<tr>
<td>• Residential development that complements the Zone’s objectives and desired character;</td>
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<tr>
<td>• Vehicle access and on-site car parking that is safe and convenient;</td>
<td></td>
</tr>
<tr>
<td>• Adequate provision for private open space;</td>
<td></td>
</tr>
<tr>
<td>• Adequate setbacks, landscaping and space around buildings as buffers for adjoining users;</td>
<td></td>
</tr>
<tr>
<td>• Appropriate solar access; and</td>
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<tr>
<td>• A rectangular space measuring not less than 10m x 15m which is suitable for the construction of a dwelling.</td>
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</table>

<table>
<thead>
<tr>
<th>Setbacks and Space around Boundaries</th>
<th>Complies.</th>
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</thead>
<tbody>
<tr>
<td>Table 2 sets out the minimum front setback distances from road boundaries.</td>
<td></td>
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<tr>
<td>Generally, the setback of buildings should promote an attractive streetscape through landscaping the</td>
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</table>
front setback area, and by complementing prevailing setback distances in the area, providing space for car parking and reducing traffic noise for occupants. Setback distances from side and rear property boundaries should conform to the standards listed in Table 3.

Setbacks should be designed to:
- Maintain the amenity of adjoining dwellings in terms of noise, privacy and sunlight;
- Minimise impacts associated with the bulk and scale of buildings and with potential overlooking from upper floors;
- Provide adequate levels of daylight to habitable rooms; and
- Create space between buildings for amenity and aesthetic reasons. Building layout on a site is important to help create a sense of unbuilt space on the land, which is available for landscaping, and a more open relationship or visual break between adjoining properties and their buildings.

**DESIGN AND FORM**

**Private Open Space**  
Private open space is an area of areas provided at the rear of a site for the exclusive enjoyment and use by the occupants for the purposes of relaxation, leisure, play, entertainment, storage and other utilitarian activities. Private open space should form an integral part of all residential development. It should be fenced or otherwise screened from view from adjoining streets, for privacy, and located to take advantage of winter sunlight and shade in summer. The minimum criteria for private open space should:
- Form a rectangular area of at least 8 m x 5 m (for sites 450 m² or more in area) and 6 m x 4 m (for small sites having a gradient less than 1:8);
- Have a minimum dimension of 2.5 m;
- Not include driveways or car parking space; and
- Contain an area not less than 20% of the total site area.

**Building Height and Bulk**  
Dwellings should be designed to be complementary to the character and amenity of adjoining development and the streetscape, and avoid dominating the locality by virtue of inappropriate size and bulk. Dwellings should not be greater than 2 storeys or more than 8 m in height to the highest point of the building above natural ground level.

<table>
<thead>
<tr>
<th>Item 7.2 - Attachment A</th>
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</thead>
<tbody>
<tr>
<td>DESIGN AND FORM</td>
<td></td>
</tr>
<tr>
<td>Private Open Space</td>
<td></td>
</tr>
</tbody>
</table>
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- Form a rectangular area of at least 8 m x 5 m (for sites 450 m² or more in area) and 6 m x 4 m (for small sites having a gradient less than 1:8);  
- Have a minimum dimension of 2.5 m;  
- Not include driveways or car parking space; and  
- Contain an area not less than 20% of the total site area. | Complies. |
| Building Height and Bulk |  |
| Dwellings should be designed to be complementary to the character and amenity of adjoining development and the streetscape, and avoid dominating the locality by virtue of inappropriate size and bulk. Dwellings should not be greater than 2 storeys or more than 8 m in height to the highest point of the building above natural ground level. | Does not comply. |

Due to the Nature of the land and the nature of the slope of the ground. The distance from the undercroft ground level to the highest point above the upper story roof exceeds 8 meters but below 9 meters.

The house design is of a split level design and the
<table>
<thead>
<tr>
<th><strong>Dwellings of more than one storey must minimize overshadowing and visual intrusion onto adjoining properties due to differences in scale. When dwellings are proposed for sloping sites, especially of 2 storey construction, the building and roof forms are to be articulated and preferably of split level design so that the profile corresponds to the natural slope of the land. Cut and fill affecting the land can therefore be minimised as can the visual bulk of the building.</strong></th>
<th>roof form is articulated to minimize bulk. The Pitch of the roof has also been reduced from a industry average of 25 degrees to 20 degrees to minimize bulk from the street front.</th>
</tr>
</thead>
</table>
| **Privacy**  
The privacy of adjoining residents should be respected by designing and siting dwellings so as to lessen the potential nuisance from noise between buildings and from vehicles using the land. The setback between dwellings containing windows or balconies facing each other should be at least 8 m where no common fence exists. The setback between a wall containing a living area window and a common driveway shared by 2 or more dwellings should be at least 2.5 m. Fences between private open space and adjoining sites or common property are to be at least 1.8 m in height and be constructed of opaque material. Development greater than single storey needs to be designed to avoid direct overlooking of neighbouring private open space or into windows of adjoining dwellings. Upper storey windows should have screening or opaque glass to 1.7 m height above floor level to achieve this. | Complies. |
| **Building Orientation**  
Dwellings should be orientated to capitalise on the use of passive solar energy by maximising ventilation and minimising solar gain in summer and vice versa in winter. Dwellings should also be designed in accordance with the energy efficiency requirements set out in the BCA. | Complies. |
| **Heritage Conservation**  
A number of local heritage places have been listed in the Development Plan (see Table Mit/4 in Council's Development Plan). Any development of, or adjacent to, these items needs to be sympathetic to the prevailing historic character and streetscape features that contribute to that heritage by:  
- Utilizing designs and techniques that refer to the materials, colours, scale, roof form, and fencing (if relevant) that make up the heritage fabric; and  
- Reinforcing the predominant pattern of building setbacks. | Complies. |
### Driveways and Access
Residential development must be physically accessible to and by vehicles. Driveways should be safe and convenient to use and be located to reduce their potential impact on adjoining dwellings. Driveway access should:
- Have a maximum gradient of 1:5 (anything over this must be designed by a professional engineer);
- Where it is to serve more than 3 dwellings on an allotment, have a minimum pavement widths of 5.5 m;
- Where it is on to an arterial or collector road, have a pavement width of not less than 6 m for the first 5 m of its length (alternative designs which allow vehicles to exit the site in a forward direction can be considered);
- Allow for at least a 1 m wide landscape strip along one side of the driveway or between the driveway and a side boundary; and
- Have dimensions for vehicle manoeuvring consistent with AS2890.1.2004 (or as revised).

**Complies.**

### Car Parking
Provision needs to be made for the adequate on-site car parking to meet the needs of residents and visitors with least disturbance to nearby properties and to the free flow of traffic on abutting streets. The minimum number of on-site car parking spaces applicable should conform to the standards set out in Table 4.

Car parking areas should generally be screened from public places by fencing and/or landscaping. Car parking spaces should be individually accessible from a driveway and be designed in accordance with AS2890.1.20114 (or as revised).

**Complies.**

### Landscaping
The planting of trees, shrubs and ground covers is an important part of any residential development. The purpose of landscaping is to provide effective screening and shade as well as to enhance the appearance and pleasantness of the site and its settings. The impact of any development, including excavation and filling and swimming pools, on existing vegetation should be minimised and should not involve the removal of any remnant native vegetation or significant trees etc. Landscaping should be undertaken with all development. Species should be of a type and size appropriate to their location and have regard to...

**Complies.**
the list contained in Table Mit/2 of the Development Plan.

<table>
<thead>
<tr>
<th>Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>All services associated with residential development should be installed underground in both public and private areas and, where possible, use common trenches and connect to each allotment at a single point.</td>
</tr>
<tr>
<td>Complies.</td>
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<table>
<thead>
<tr>
<th>Stormwater Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>New dwellings, or additions to existing dwellings which increase the floor area should limit the rate of stormwater discharge from the land by:</td>
</tr>
<tr>
<td>- Collecting and directing stormwater from at least 60% of the roof area to a rainwater retention/detention tank (see Rainwater Tank Information Sheet), with outflow directed to landscaped or unpaved land (and contained so as not to cause flooding problems) or to a rear of allotment drain; and</td>
</tr>
<tr>
<td>- Designing and constructing at least 50% of hard paved areas to allow surface run-off largely to landscaped or unpaved land. Major residential development and land division should incorporate sound stormwater management practices that:</td>
</tr>
<tr>
<td>- Encourage water conservation and water quality improvement through on-site retention and appropriate oil/grease arrestors etc;</td>
</tr>
<tr>
<td>- Accommodates minor surplus flows within an underground piped system;</td>
</tr>
<tr>
<td>- Directs major flows through areas of open space designed and controlled to prevent erosion or leading to flooding of buildings;</td>
</tr>
<tr>
<td>- Maintains existing creek lines and swales to permit the free and uninterrupted flow of major stormwater events, incorporating appropriate water quality control measures; and</td>
</tr>
<tr>
<td>- Ensures the design capacity of dam stream systems are not prejudiced.</td>
</tr>
<tr>
<td>Complies.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Flood Prone Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings must be sited and designed so that finished ground floor levels will not be inundated by floodwaters generated by a 1:100 year flood event and will not impede the natural flows of the watercourse. As a result, proposed dwellings on any lot identified on Figures WC/2-14 of the Development Plan are treated as Merit applications not Complying development.</td>
</tr>
<tr>
<td>N/A</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Retaining Walls and Earthworks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earthworks resulting in the filling and/or excavation of land greater than 1.5 m above or</td>
</tr>
<tr>
<td>Reasonably complies.</td>
</tr>
<tr>
<td>The fill required for the bottom left quadrant of</td>
</tr>
</tbody>
</table>
below natural ground surface are to be avoided. Earthworks undertaken should be screened from public view by landscaping or the form of the proposed building. Retaining walls over 1 m in height are to be:

- Located at least 1 m inside the boundary of the dwelling site;
- Not greater than 1.5 m high; and
- Constructed to allow landscaping above and over the wall if located closer to the road boundary than the dwelling.

garage floor is 1.23m and a cut required of 1.27m on the top right quadrant.

The upper level requires cutting into natural ground to a maximum of 1.37m to allow for access from the main living area to the rear yard. (This consequently reduces environment impact of the surrounding site) See attached engineering report.

Above: Estimated Cut and Fill as indicated by FMG engineer’s report 2018.
Table 2 – Minimum front setbacks to buildings

<table>
<thead>
<tr>
<th>Development Plan Complying</th>
<th>On Merit (Consent)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Single Storey</td>
</tr>
<tr>
<td>Arterial roads</td>
<td>10m</td>
</tr>
<tr>
<td>Established streetscape Neighbouring buildings either side</td>
<td>8m</td>
</tr>
<tr>
<td>Established streetscape none or only one neighbouring building</td>
<td>8m</td>
</tr>
<tr>
<td>Situation not described above</td>
<td>8m</td>
</tr>
<tr>
<td>Corner allotments (secondary frontage other than arterial roads)</td>
<td>3m</td>
</tr>
<tr>
<td>Garages/Carparks</td>
<td>1m more than the main face of the dwelling</td>
</tr>
</tbody>
</table>

Table 3 – Space around Buildings

<table>
<thead>
<tr>
<th>Lots less the 450m²</th>
<th>Lots greater than 450m²</th>
<th>Double storey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side boundaries*</td>
<td>1m on both sides</td>
<td>1m plus an additional 1m</td>
</tr>
<tr>
<td></td>
<td>3m on other side</td>
<td>Setback for every 1m beyond a 3m height**</td>
</tr>
<tr>
<td>Rear boundaries***</td>
<td>5m</td>
<td>5m</td>
</tr>
</tbody>
</table>

* Garages or open-sided carpports may be built to one side boundary (NB: in the Mount Lofty Ranges Bushfire Prone Policy Area, vehicle access to rear yard must be available)
** Refer to Fig R/1 to ascertain vertical building envelope
*** Domestic outbuildings excepted

Figure R/1 – Two-storey Development Side Boundary Building Envelope
### Assessment Overview:

In undertaking an assessment of the proposal against provisions of the development plan it is important to note that the proposal is situated among an established residential area with approximately half of the street within the residential (Foothills) zone, while the remaining half of the street including the proposed site situated in the Hills Face Zone. While the development is deemed non-complying by virtue of external wall height, this home has been designed to minimize visual impact on surroundings and avoiding erosive and expensive earthworks which could be otherwise be introduced to facilitate a more conventional dwelling design to satisfy provisions of the development plan.

### Retaining Walls:

In respect of retaining walls, the Hills Face Zone PDC 15 seeks:

"Retaining walls should be designed in such a way that they are stepped series of low walls constructed of dark, natural coloured material and screened by landscaping"

As illustrated by 3D design, the proposed site is deemed to satisfy this requirement by utilizing a series of stepped low lying retaining walls constructed of a dark natural colour which will be screened by landscaping when vegetation matures.

### Sitting and Design:

**Provisions of the development control 7 within the Hills Face Zone seek:**

**PDC7** - Buildings, including structures, should be located in unobtrusive locations and, in particular, should:

(a) be located well below the ridge line;
(b) be located within valleys or behind spurs;
(c) be located in such a way as to not be visible against the skyline when viewed from the roads within the zone or from the metropolitan area particularly the Adelaide plains;
(d) be set well back from roads, particularly when the allotment is on the high side of the road;
(e) have the roof line below the lowest point of the abutting road when the allotment is on the low side of the road;
(f) be sited on an excavated rather than a filled site in order to reduce the vertical profile of the building; Consolidated - 20 February 2018 242 Mitcham (City);
(g) be located in such a way as to be screened by existing native vegetation when viewed from the roads within the zone or from the metropolitan area particularly the Adelaide plains;
(h) not be located in areas subject to inundation by a 100-year return period flood event not to be sited on land fill which would interfere with the flow of such flood waters;

(i) not have a septic tank drainage field located in such a way as to pollute watercourses; and

(j) be located in such a way as to maximize the retention of existing native vegetation and retain watercourses in their natural state.

The proposed dwelling could be deemed to comply with the above insofar as:

- It is not practical to have the house situated below the ridge line as the site is situated at the highest point of the street.
- The house is located within a spur located on the site.
- The final form of the dwelling will not be visible against the skyline when viewed from the road within the road within the zone.
- Set well back from the road (10.7m from the boundary and 15m from the curb) given it is located on the high side of the road.
- The construction technique proposed as outlined above would not exacerbate height with the dwelling being elevated on piers to achieve continuity of height over the sloping site.
- Is located in such a way that it will be screened by existing native vegetation when viewed from the road once vegetation matures.
- The site is not located within a site subject to floodwaters.
- The site will be connected to sewer system which runs along western boundary.

Provisions of the development control 8 within the Hills Face Zone seek:

PDC8 - Buildings, including structures, should be designed in such a way and be of such a scale as to be unobtrusive and not detract from the desired natural character of the zone and, in particular:

(a) buildings should be of a single-storey;

(b) the profile of buildings should be low and the roof lines should complement the natural form of the land;

(c) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land;

(d) large eaves, verandahs and pergolas should be incorporated into designs so as to create shadowed areas which reduce the bulky appearance of buildings; and

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

- The proposed dwelling is not a single story, however the split level elevated design aims to minimize bulk and scale while also minimizing the amount of cut and fill required than if a traditional single storey design home was to be designed on the natural topography of the site.
- The pitch of the roof has been specifically designed at 20 degrees to reduce bulk; where as a typical home would frequently use 25 degrees or greater. The undercroft garage and workshop have also only been situated to the given depth to strategically minimize wasted space while complementing the contour of the land.
- Large eaves and verandahs have been incorporated in the design as to create shadowed areas on the front façade to reduce the bulky appearance of the building from the street front.
- The vehicle parking area has been strategically placed beneath the upper living areas to utilize the natural contours of the land and to reduce the overall footprint of the dwelling on the land.
Assessment of Social, Economic & Environmental effects of the development on its locality:

Social:
Situated on a small suburban cul-de-sac of only 13 residential homes, a new residential dwelling can generate a sense of community amongst the new and established families; increasing bonds of friendship amongst neighbors.

Economic:
At an estimated cost of over $380,000.00, the building phase will employ several construction workers throughout the process and when completed will contribute to the overall street appeal of the entire street.

Environmental:
Thought has been given to the location of the given dwelling within the proposed site, as to minimize the environmental impact on native vegetation. A significant Environmental Benefit Off-set will be made to the native vegetation council of South Australia as stated in the native vegetation clearance report.

Conclusion:
It is my considered opinion that every effort has been made to satisfy to the best of its ability the principles of development control. The existing vacant site is a bushfire hazard and thus development and human occupation would enhance the safety and livability of the space. Moreover, the proposed dwelling is small in proportion to the total area of the site, thus maintaining the overall character of the hills face zone. The proposal therefore warrants council support.

Matt Maher
05/01/2019
Native Vegetation Clearance Assessment Data Report:

House Site

at

19 Pritchard Grove,
Panorama, SA, 5041

Assessed and compiled by:

Jeremy Tiller
Environmental Management Consultant
Forestville, SA
December 2018

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Client: Matt Maher
Document Number: MM_001
Version: 1.0
Issue: Final
Assessor and Author: Jeremy Tiller
Media: Electronic
Issued to: Matt Maher

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This report has been prepared on the behalf of and for the exclusive use of the client, and is subject to and issued in connection with the provisions of the agreement between Jeremy Tiller and the client. Jeremy Tiller accepts no liability or responsibility whatsoever for or in respect of any use or reliance upon this report by any third party.
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1. Introduction

Jeremy Tiller was commissioned by Matt Maher to conduct a native vegetation clearance assessment for a new house development at 19 Pritchard Grove, Panorama, SA, 5041 and to assess the proposed clearance envelope against the Clearance Requirements of the Native Vegetation Act 1991 and Native Vegetation Regulations 2017.

The clearance envelop of the proposed residential dwelling (Appendix A) is approximately 0.12 hectares. The South Australian Country Fire Service (SACFS) have advised that a 10m clearance area is required around the perimeter of the dwelling.

As the proposed clearance is required for the development of a new dwelling the application will be considered to comply with Regulation 12(33) – *New dwelling or building.*

2. Property Location

The property is located at 19 Pritchard Grove, Panorama, SA, 5041 (Map 1 and 2). The site is within Allotment 24 of CT/5796/236 (F149257) in the Hundred of Adelaide.

No past clearance applications are related to this property or applicant.

3. Associated Approvals

3.1. Development Act 1993

The proposed development will require approval under the Development Act 1993, which is yet to be submitted. The applicant is aware of their obligation to obtain development approval under the Development Act 1993. The City of Mitcham has advised the client that the results of the development approval will depend on the outcomes of the native vegetation clearance application.

No Regulated or Significant tree are located on the subject property.

3.2. Environmental Protection and Biodiversity Conservation Act 1999

The Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia are listed as endangered under the Environmental Protection and Biodiversity Conservation Act 1999. Although the vegetation under application is considered a Grey Box (*Eucalyptus microcarpa*) Grassy Woodland it does not meet the condition threshold and therefore is not considered a listed threatened ecological community under the Environmental Protection and Biodiversity Conservation Act 1999.

4. Land Use Description and History

According to NatureMaps Generalised Land Use layer (2014), the subject allotment is described as vacant urban land. Adjoining properties include residential and recreation/reserves land uses. The rear eastern section of the allotment contains a steep excavated rock-face (Photo 1), which is part of a disused quarry that extends into adjoining properties (Map 2).
5. Survey Methodology

Prior to the site survey the following desktop assessments were conducted:

- Review of the Biological Databases on NatureMaps to determine the likelihood of State listed flora and fauna species that may be present on the subject land.
- Review of the EPBC Act 1999 Protected Matter Search Tool within 5km of the site to determine the likelihood of nationally listed flora species or habitat of conservation significance that may be present on the subject land.

The project site was surveyed on 7th October 2017. The site survey was undertaken in accordance with the Native Vegetation Council (NVC) Bushland Assessment Manual 2017. The aim of the site survey was to:

- record the vegetation association and flora species present;
- record the condition of the vegetation present;
- record any threatened flora species, if present;
- record any opportunistic fauna sightings;
- identify any suitable alternative locations to avoid or minimise the impacts to native vegetation; and
- to assess the proposed clearance against the Requirements of the Native Vegetation Regulations 2017.
6. Description of Native Vegetation under Application

The area under assessment is approximately 0.12 hectares and consists of a *Eucalyptus microcarpa* (Grey Box) low woodland over a mixed native and introduced grassy and herbaceous understorey. The dominate native understorey species include *Dodonaea viscosa* ssp. *spatulata* (Sticky Hop-bush), *Allocasuarina verticillata* (Drooping Sheoak) and *Austrostipa* sp. (Spear-grass). Although native species are present on the site, the understorey and ground cover consist mostly of introduced species. The dominant introduced species include *Olea* sp. (Olive), *Avena* sp. (Wild oat), *Oxalis pescaprae* (Soursob) and *Plantago* sp. (Plantain).

The species recorded within the assessment area are shown below in Table 1.

Refer to Appendix B for Site A Bushland Assessment for a Small Site (less than 0.5ha) Scoresheet for further details.

*Photo 2:* Representation of the vegetation under application looking south
Table 1: Flora species recorded in the area under application in Vegetation Type 1

<table>
<thead>
<tr>
<th>Species Name</th>
<th>Common Name</th>
<th>Density</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eucalyptus microcarpa</td>
<td>Grey Box</td>
<td>30%</td>
<td></td>
</tr>
<tr>
<td>Dodonaea viscosa ssp. spatulata</td>
<td>Sticky Hop-bush</td>
<td>1-5%</td>
<td></td>
</tr>
<tr>
<td>Allocasuarina verticillata</td>
<td>Drooping Sheoak</td>
<td>1%</td>
<td></td>
</tr>
<tr>
<td>Acacia peradoxa</td>
<td>Kangaroo Thorn</td>
<td>&lt;1%</td>
<td>One shrub in assessment area</td>
</tr>
<tr>
<td>Acacia pycnantha</td>
<td>Golden Wattle</td>
<td>&lt;1%</td>
<td>One juvenile in assessment area</td>
</tr>
<tr>
<td>Olearia ramulosa</td>
<td>Twiggy Daisy-bush</td>
<td>&lt;1%</td>
<td></td>
</tr>
<tr>
<td>Gomocarpus elatus</td>
<td>Tall Raspwort</td>
<td>&lt;1%</td>
<td></td>
</tr>
<tr>
<td>Lomandra densiflora</td>
<td>Soft Tussock Mat-Rush</td>
<td>&lt;1%</td>
<td></td>
</tr>
<tr>
<td>Austrostipa sp.</td>
<td>Spear-grass</td>
<td>1%</td>
<td></td>
</tr>
<tr>
<td>Arthropodium strictum</td>
<td>Common Vanilla-lily</td>
<td>&lt;1%</td>
<td></td>
</tr>
<tr>
<td>*Olea sp.</td>
<td>Olive</td>
<td>5%</td>
<td></td>
</tr>
<tr>
<td>*Avena sp.</td>
<td>Wild oat</td>
<td>15-20%</td>
<td></td>
</tr>
<tr>
<td>* Oxalis pes-capraea</td>
<td>Soursob</td>
<td>5%</td>
<td></td>
</tr>
<tr>
<td>* Plantago sp.</td>
<td>Plantain</td>
<td>1-5%</td>
<td></td>
</tr>
<tr>
<td>* Briza maxima</td>
<td>Large Quaking-grass</td>
<td>&lt;1%</td>
<td></td>
</tr>
<tr>
<td>* Allium triquetrum</td>
<td>Three-cornered garlic</td>
<td>&lt;1%</td>
<td></td>
</tr>
<tr>
<td>* Trifolium arvense var. arvense</td>
<td>Hare’s foot-clover</td>
<td>&lt;1%</td>
<td></td>
</tr>
<tr>
<td>* Arctotheca calendula</td>
<td>Cape weed</td>
<td>&lt;1%</td>
<td></td>
</tr>
<tr>
<td>*Poa annua</td>
<td>Winter grass</td>
<td>&lt;1%</td>
<td></td>
</tr>
<tr>
<td>*Medicago polymorpha var. polymorpha</td>
<td>Burr-medic</td>
<td>&lt;1%</td>
<td></td>
</tr>
<tr>
<td>*Sonchus oleraceus</td>
<td>Common Sow-thistle</td>
<td>&lt;1%</td>
<td></td>
</tr>
<tr>
<td>*Chrysanthemoides monilifera ssp. monilifera</td>
<td>Boneseed</td>
<td>&lt;1%</td>
<td></td>
</tr>
<tr>
<td>*Geranium molle var. molle</td>
<td>Geranium</td>
<td>&lt;1%</td>
<td></td>
</tr>
<tr>
<td>*Gomphocarpus cancellatus</td>
<td>Broad-leaf Cotton-bush</td>
<td>&lt;1%</td>
<td></td>
</tr>
<tr>
<td>*Trifolium sp.</td>
<td>Clover</td>
<td>&lt;1%</td>
<td></td>
</tr>
<tr>
<td>*Gazania sp.</td>
<td>Gazania</td>
<td>&lt;1%</td>
<td></td>
</tr>
<tr>
<td>*Sparaxis bulbifera</td>
<td>Sparaxis</td>
<td>&lt;1%</td>
<td></td>
</tr>
</tbody>
</table>

*Introduced species
Photo 3: Representation of the vegetation under application looking west and showing location for proposed driveway

Photo 4: Representation of the vegetation under application looking north
7. Assessment of Application against Clearance Principle of the Native Vegetation Act 1991

b) *it has a significance as a habitat for wildlife:*

Three fauna species of State conservation significance have been recorded within 5km of the proposed clearance areas within the past 20 years (Table 2) that may utilise the vegetation under application for habitat.

As a result, the habitat would receive a Threatened Species Score of 0.04. Therefore, clearance is considered to be ‘at variance’ with this Principle. However, given the small size of the clearance area (0.12ha) in relation to the amount of native vegetation in the local vicinity and the vegetation is not considered essential habitat for these fauna species, clearance may be reduced to ‘not at variance’ with this Principle.

**Table 2:**

<table>
<thead>
<tr>
<th>Species</th>
<th>Conservation Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Myiagra inquieta</em> (Restless Flycatcher)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>AUS:</td>
</tr>
<tr>
<td></td>
<td>SA: R</td>
</tr>
<tr>
<td><em>Neophema elegans</em> (Elegant Parrot)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>AUS:</td>
</tr>
<tr>
<td></td>
<td>SA: R</td>
</tr>
<tr>
<td><em>Falunculus frontatus</em> (Crested Shriketit)</td>
<td></td>
</tr>
</tbody>
</table>

*c) It includes plants of rare, vulnerable or endangered species:*

No plants of conservation significance are under clearance application.

Clearance is not considered to be seriously ‘at variance’ with this Principle.

d) The vegetation comprises the whole, or part of a plant community that is rare, vulnerable or endangered:

According to the provisional list of threatened ecosystems of South Australia *E. microcarpa* (Grey Box) Grassly Low Woodland on foothills and hill slopes of southern Mount Lofty Ranges are listed as endangered. Therefore, clearance of this type of plant community would be considered ‘seriously at variance’ with this principle. However, given the small size of the clearance area under application (0.12ha), in relation to the amount of native vegetation in the local vicinity, and the vegetation is considered highly degraded due to the high level of introduced plant species and reduced diversity of native species, clearance may be reduced to ‘at variance’ with this Principle.

6. Assessment and Compliance with the Native Vegetation Regulations 2017

The proposed development and associated native vegetation clearance would be considered to comply with Regulation 12(33) – New dwelling or building of the Native Vegetation Regulations 2017.

An assessment of the clearance application against the conditions of Regulation 12(33) – New dwelling or building are addressed below.

1. Clearance for a new building, dwelling or ancillary development provided that any relevant consent has been provided under the Development Act 1993

   **Comment:**

   The proposed clearance be required for a dwelling or ancillary development. The applicant has yet to obtain development approval but is aware of their obligation and responsibilities under the Development Act 1993.

7. Risk Assessment

Although the total clearance area for this application is only 0.12 hectares, the risk assessment will be escalated from level 1 to level 2 as the clearance involves trees with truck circumferences greater than 50cm at 1m above the ground.

8. Area of Impact (Cumulative Impact)

   **Direct Impacts**

   The direct impacts to native vegetation of the proposed development are discussed above in Section 4.
Indirect Impacts

No indirect impacts are foreseen for the proposed development.

Cumulative Impacts

There is no closely positioned clearances associated with this development and application.

9. Assessment against the Mitigation Hierarchy

An assessment of the clearance application against the Mitigation Hierarchy are addressed below.

a) Avoidance — measures should be taken to avoid clearance of native vegetation wherever possible.

Comment:

No opportunities are available to avoid clearance of native vegetation due to the small size of the allotment.

b) Minimisation — if clearance of native vegetation cannot be avoided, measures should be taken to minimise the extent, duration and intensity of impacts of the clearance on biological diversity to the fullest possible extent.

Comment:

In order to minimise the impacts to native vegetation, it is advised that the design and location of the dwelling be positioned in the middle of the allotment to utilise an area where there is a small area void of E. microcarpa (Grey Box) overstorey (Map 2). This area also contains less native understorey species and a greater abundance of introduced weeds.

c) Rehabilitation or restoration — measures should be taken to rehabilitate ecosystems that will be degraded, and to restore ecosystems that will be destroyed, due to impacts of clearance that cannot be avoided or minimised.

Comment:

No rehabilitation or restoration opportunities will be available once the dwelling has been developed on the site.

d) Offset — any adverse impact on native vegetation or ecosystems that cannot be avoided or minimised should be offset by implementing an SEB that outweighs that impact.

Comment:

As stated below in Section 10, the applicant has requested preference to provide the Significant Environmental Benefit (SEB) through payment into the NVC Fund.

10. Significant Environmental Benefit off-set Requirements

The client has advised that the preferred SEB offset requirement will be payment into the NVC Fund. The following provides an overview of the SEB requirements for the proposed clearances of 0.12 hectares.

- Site A: $4,303.58 (Payment into fund) + $236.70 (Administration fee) = $4,540.28

Refer to Appendix B for further details.
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: development@mitchamcouncil.sa.gov.au
via post: PO Box 21 Mitcham Shopping Centre TORRENS PARK SA 5062
Attention: Bethany Andretzke – 8372 8814

Development No: 080/1217/18 - 19 Pritchard Grove PANORAMA SA 5041
Closes: 5.00PM – 21 February 2019

Your details

Name: John Stavroulakis
Address: 10 Pritchard Grove PASADENA
Email: John.stavroula@optusnet.com Phone: 0428180021

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 DO NOT wish to be heard
☐ I desire to be heard 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 a copy of this objection will be forwarded to the applicant.

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: 20/2/2019 DATE: 20/2/2019

Action - DA – Statement of Representation
DEVELOPMENT ACT, 1993

STATEMENT OF REPRESENTATION - CATEGORY 3

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

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via email: development@mitchamcouncil.sa.gov.au
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Attention: Bethany Andretzke – 8372 8814

Development No: 080/1217/18 - 19 Pritchard Grove PANORAMA SA 5041
Closes: 5.00PM – 21 February 2019

Your details

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

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

<table>
<thead>
<tr>
<th>I/we: (tick one option below)</th>
<th>I/we: (tick one option below)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Support Proposed Development</td>
<td>☐ I DO NOT wish to be heard</td>
</tr>
<tr>
<td>☐ Support Proposed Development but have some concerns</td>
<td>☐ I desire to be heard personally; or I will be represented by:</td>
</tr>
<tr>
<td>☐ Oppose Proposed Development</td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

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).

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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: 8/1/19

Action - DA – Statement of Representation
## STATEMENT OF REPRESENTATION - CATEGORY 3

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

Attention: Bethany Andretzke – 8372 8814

Development No: 080/1217/18 - 19 Pritchard Grove PANORAMA SA 5041  
Closes: 5.00PM – 21 February 2019

### Your details

<table>
<thead>
<tr>
<th>Name</th>
<th>Kirsteen Munro</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>4 Railway Tce., Panorama SA 5041</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:Kirsteen@theroof.net.au">Kirsteen@theroof.net.au</a></td>
</tr>
<tr>
<td>Phone</td>
<td>0403 161 46</td>
</tr>
</tbody>
</table>

### Nature of interest affected by development

<table>
<thead>
<tr>
<th>Nature of interest</th>
<th>Adjoining resident and landowner</th>
</tr>
</thead>
</table>

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

- [ ] Support Proposed Development
- [✓] Support Proposed Development but have some concerns
- [✓] Oppose Proposed Development
- [✓] I DO NOT wish to be heard
- [ ] I desire to be heard personally; or I
- [ ] I will be represented by:

### Reasons for comment

Coloured...on the upper portion of the house unacceptable.
The colour/brand 1.8m fencing does not appear to be part of the Development Application. Why is this?

My concerns would be over (state action sought): Any and all fencing to be post-
and-wire/can be seen through. Is not a residential zone so privacy irrelevant. Exterior colour of house to be darker to minimise visual impact.

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

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, 2, 2A, 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 can 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:** 20/2/19

---

**Action:** DA – Statement of Representation
Bethany Andretzke

From: M Maher <mmaher89@gmail.com>
Sent: Wednesday, 27 February 2019 5:58 PM
To: Bethany Andretzke
Subject: Re: Representations received - 19 Pritchard Grove - [DA 080/1217/18]

Dear Bethany,

Thank you for the opportunity to view and respond to the concerns of our neighbours post public notification.

I write in response to our dear neighbour Kirsteen Munro’s concerns dated 20/02/2019. If I am not mistaken her property located at 4 Railway Terrace Panarama is located on the Eastern (rear) boundary of our property; on which we have not proposed any fencing on the boundary. The fencing that has been proposed is to be located on the southern boundary which overlooks from the bedroom(s) into the neighbouring reserve. The benefits of the proposed fencing would be to add privacy to the bedrooms in addition to keeping hikers out of private property.

The second concern raised was in regards to the colour of the upper portion of the house. I note that the colour (beige royal) was selected to create a neutral structure reflecting the colour of the natural scrub land below the green canopy of surrounding trees. Moreover, I note that extensive plantation of trees have been noted in the front, side and rear of the dwelling, which when matured will minimise visual impact and bulk of the building. It is for the reasons stated above that I hope we can gain your support in the proposed development.

Kind Regards,
Matt Maher.

On 25 Feb 2019, at 1:42 pm, Bethany Andretzke <bandretzke@mitchamcouncil.sa.gov.au> wrote:

Please see attached statement of representations received as a result of the public notification process. Could you please respond to the concerns raised at your earliest convenience.

In the meantime, I am currently speaking with the engineering department in relation to the application and will advise you of their comments once received. I am also still awaiting on referral response from CFS.

Kind regards,
Bethany Andretzke | Development Officer - Planning
Development Services & Community Safety | The City of Mitcham
131 Belair Road | Torrens Park SA 5062 | P: 08 8372 8814 | F: 08 8372 8101

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<BANDRETZKE2019022501241699761_S1RAMAP_DA No. PLREPSUM 1092786.pdf>
<Statement of Representation from 10 Pritchard Grove Panorama - Support - 19 Pritchard Grove Panorama.pdf>
<Statement of Representation from 4 Railway Terrace panorama - Support with Concerns - 19 Pritchard Grove Panorama.pdf>
<Statement of Representation from 13 Pritchard Grove Pasadena - Support - 19 Pritchard Grove Panorama.pdf>
MEMORANDUM

TO: Bethany Andretzke
FROM: Mark Swanbury
RE: DEVELOPMENT APPLICATION 080/1217/18 FOR MAURICE HOOD TO NON COMPLYING AT 19 PRITCHARD GROVE PANORAMA SA 5041
DATE: 12 April 2019

I take this opportunity to provide the following comments upon viewing the plans for the previously mentioned development application.

FFL
The allotment in question is located significantly higher than the immediate adjacent road level with an existing natural allotment grade of approximately 21%.

The development proposes to partially excavate for an under-croft garage & store whilst following the natural contours of the allotment with additional excavation to accommodate the upper storey component of the dwelling

Batter slopes of between 1:2 & 1:4 will be required surrounding the side and rear portions of the development of which the nominated FFL are consistent with the natural surface levels of the allotment.

Drainage
It is proposed to install 1 x 22,500 litre designated CFS firefighting tank whilst also provide another 22,500 litre tank comprising of 12,000 litre retention plumbed back into the dwelling with 10,000 litres of detention.

There is sufficient enough stormwater sump inlets surrounding the proposed dwelling with separate agricultural pipes for the retaining walls for stormwater discharge to the allotment.

For developments located on the high side of the road, stormwater runoff from driveways must be collected and discharged via the household stormwater system to the street.

In addition to alleviate stormwater sheeting across the roadway from properties located on the high side of the street, the outlets are to be angled to discharge into the directional flow of stormwater within the street.

Driveway
The driveway grades as indicated on the FMG Engineering drawing no. S42663-283447 HC01 had been checked and comply with AS/NZS 2890.1:2004.

It is noted that the applicant has provided an overlay plan indicating the forward and reversing manoeuvres of a CFS fire truck vehicle. However, I am not confident that the overlay provided is a true representation of a CFS fire-fighting vehicle.
However a CFS fire-fighting vehicle is able to safely and conveniently undertaken all necessary vehicle movements within Pritchard Grove.

Summary
In summary, the applicant has provided sufficient enough information in association with their development application, which upon completing my assessment warrants support for development approval.

Conditions
DEG070 – Temporary debris and sediment control measures,
DEG110 – Stormwater to be collected at front boundary alignment,
DEG260 – New residential driveway,
DEG330 – All earthworks to be stabilized,
DEG340 – Damage to Council infrastructure to be reinstated.
NS1 – The stormwater outlet to the street is to be angled to discharge into the directional flow of stormwater within the street to prevent it sheeting across the roadway and potentially causing a rod hazard.

Regards,

Mark Swanbury
Project & Development Engineer
Bethany Andretzke

From: Chris Tozer
Sent: Friday, 14 June 2019 2:46 PM
To: Bethany Andretzke
Subject: RE: 19 Pritchard Grove [DA 080/1217/18 - street trees - updated CFS access

Hi Bethany,

I have had another look. I note the new plans show the proposed vehicle movement to have changed and now enters and exits from the same point, which reduces the potential impact to the trees.

There is probably one tree that could be impacted but I appreciate the difficulty in making everything fit! I suggest we condition that no extra trees are to be removed and all reasonable care is taken to minimize any impact to trees to be retained.
6 June 2019

City of Mitcham
PO Box 21
TORRENS PARK SA 5062

ATTN: B ANDREZKE

Dear Bethany,

RE: DEVELOPMENT APPLICATION (PLANNING ASSESSMENT) – MAHER 19 PRITCHARD GROVE, PANORAMA

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 has no objection to the proposed access driveway as detailed on drawing named Site Plan dated at last revision 23/05/2019, with the following conditions:-

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- The ‘T’ shaped turning area, (utilising the public road or other areas designated unrestricted right of way) shall be a minimum formed length of 11 metres with minimum internal radii of 9.5
metres on bends, including bends connecting private access to public roads. (Note: Radii not depicted in drawings, however must be an all weather formed surface)

- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.
- The gradient of the access road shall not exceed 16 degrees (28%), in steep terrain the construction of the public road or driveway shall be a sealed surface.
- Entry and exit angles to the driveway shall be designed to accommodate safe travel for large fire fighting vehicles with a long wheel base (Length 8.3 metres).

ACCESS (to dedicated water supply)

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

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

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

SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named Site Plan dated at last revision 23/05/2019 providing the outlet is positioned to comply with the following conditions:

- 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.

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

Page 2 of 4
WATER SUPPLY

Minister’s Code 2008 “Undertaking development in Bushfire Protection Areas” (as amended October 2012) Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made available at all times for fire-fighting.

Ministers Specification SA78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister’s Specification SA78:

- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.
- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.
- The water storage facility (and any support structure) shall be constructed of non-combustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has –
  i. A minimum inlet diameter of 38mm, AND
  ii. Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
  iii. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the habitable building to ensure occupants safety when operating the pump during a bushfire. An ‘Operations Instruction Procedure’ shall be located with the pump control panel.
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the habitable building).
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- All fire-fighting hoses shall be readily available at all times.
VEGETATION

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

- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:
  
  i. The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
  
  ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
  
  iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
  
  iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
  
  v. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height.
  
  vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
  
  vii. No understorey vegetation shall be established within 1 metre of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
  
  viii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves.
  
  ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

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

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

Yours sincerely,

LEAH BERTHOLINI

BUSHFIRE SAFETY OFFICER
DEVELOPMENT ASSESSMENT SERVICE

cc:
7.3 2/93 WINSTON AVENUE, DAW PARK

1. Snapshot

<table>
<thead>
<tr>
<th>Author:</th>
<th>Tegan Lewis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal:</td>
<td>Change of Use from Shop to Consulting Rooms (Chiropractic)</td>
</tr>
<tr>
<td>Development Number:</td>
<td>080/0583/19</td>
</tr>
<tr>
<td>Date of Lodgement:</td>
<td>07/06/2019</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr K Vletsis &amp; Mrs N Vletsis</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Philip Coulson</td>
</tr>
<tr>
<td>Location:</td>
<td>2/93 Winston Avenue DAW PARK SA 5041</td>
</tr>
<tr>
<td>Zone:</td>
<td>Residential (Central Plains) Zone Policy Area 8</td>
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<tr>
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<td>Non Complying</td>
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<td>Public Notification Category:</td>
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<tr>
<td>Representations Received:</td>
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<td>Consolidated 20 February 2018</td>
</tr>
<tr>
<td>Delegation:</td>
<td>Non-complying application</td>
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<tr>
<td>Recommendation:</td>
<td>To Grant Development Plan Consent subject to conditions</td>
</tr>
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</table>

2. Background

No other development applications for the subject site could be found.
A wider search indicated the site has been used as a shop for a number of years.

3. The Subject Land

The subject land is 2/93 Winston Avenue, Daw Park.

The subject land contains a vacant shop located in a group of four shops on the north-eastern corner of the Winston Avenue and Morgan Avenue intersection in Daw Park. The tenancy has a gross floor area of 72 square metres.

The site is provided with an unlined gravel parking area to the rear of the building which currently contains eight parking spaces. The parking spaces are shared between the four shop tenancies.

No easements are registered on the Certificate of Title, not are there any Regulated/Significant Trees situated on or about the land.

4. The Locality

The locality predominately contains low density residential development. Commercial development is a secondary use that is constrained to the north-eastern and south-eastern quadrants of the Winston Avenue and Morgan Avenue intersection. The trend is consistent within the wider locality, where commercial development is concentrated at intersections along Winston Avenue.
Kerbside parking is common along both Winston Avenue and adjoining roads. There are limited parking controls in the area.

4.1 Locality Plan

The proposal is for a change of land use from a shop to a consulting room. The consulting room will comprise two consulting rooms for chiropractic appointments, a room for remedial massage appointments, a reception area, staff kitchen, toilet and store room. Minor internal alterations are required to partition off new rooms.

No external signage is proposed as part of the application.

The proposed hours of operation are Monday to Friday 8am to 6pm, and 9am to 3pm on Saturdays. The business will not operate on a Sunday.

6. Zoning

The subject land is depicted on Mitcham (City) Zones Map Mit/8 in the Mapping Section of the Development Plan.

The Land is located entirely within:

- The Residential (Central Plains) Zone; and
- Policy Area 8.
7. Procedural Matters

7.1 Classification

The Residential (Central Plains) Zone prescribes the following types of development as Non-Complying:

*Consulting Room with a gross floor area of 50 square metres or more.*

The proposal will have a gross floor area of 75 square metres and has therefore been processed as a min-complying form of development.

7.2 Public Notification

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

No representations were received during the public notification period.

7.3 Referrals

Nil

8. Key Issues

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

- Is the proposed land use appropriate for the zone; and
- Is there sufficient car-parking to accommodate the proposal without detracting from the amenity of the locality.

9. 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 Is the proposed land use appropriate for the zone

Commercial development is not anticipated in the Zone, however the proposed consulting rooms will replace a long standing commercial use that serviced the local community. As such, the proposal will replace one commercial use with another.

The proposed business will operate during typical business hours so that the land use will not have a negative impact upon the wider residential amenity.

While the proposed consulting rooms are not specifically envisaged in the zone, the proposal is sufficiently small scale to not have a detrimental impact on the locality.
In addition, the proposal will not jeopardise the ongoing use of commercial activities situated in the neighbouring shops.

9.3 **Is there sufficient car-parking to accommodate the proposal without detracting from the amenity of the locality**

Even though commercial development is not anticipated in the Residential (Central Plains) Zone, Council Wide PDC 108 is still relevant and guides the assessment of car-parking. Council Wide PDC 108 (q) (iii) states:

*Development should provide 3 car parking spaces for each part of the building used or capable of being used as a consulting room.*

The proposal therefore theoretically requires exclusive use of 9 parking spaces. The existing onsite parking arrangement shares 8 spaces between all four tenancies. The commercial complex therefore has a collective car parking shortfall that is longstanding.

In addition, the car parking demand from the existing shop now proposed to be replaced will be removed. Council Wide PDC 108 (q) (i) (D) requires a shop outside a centre zone to provide 7 car parking spaces per 100 square metres of lettable area. The proposed consulting room will therefore increase the parking demand by 2 spaces.

Nevertheless, there is sufficient on-street parking along Winston Avenue and Morgan Avenue to supplement the on-site parking shortage. Cars parked along Winston Avenue and adjoining roads are a common characteristic in the locality and will not detract from the amenity of the locality.

The proposed consulting rooms may generate increased parking turnover, however the use will operate “by appointment only” and at staggered intervals to prevent an influx of clients at any one time.

Anticipated vehicles will be of a domestic nature only. Any noise generated from the increase parking demand will not detract from the amenity of the locality, as the parking is contained to areas where vehicle activity already occurs.

10. **Conclusion**

Commercial development is not anticipated within the Zone, however the proposed consulting rooms are replacing an existing commercial use.

The business will be operated in a manner that will not generate excessive car parking demand at any one time to ensure the proposed car parking shortfall does not have an adverse impact upon the amenity of the locality.

It is considered that the proposal exhibits sufficient merit to warrant Development Plan Consent.
11. Recommendation

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

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

Subject to the concurrence of the State Commission Assessment Panel (SCAP), GRANTS Development Plan Consent to the application P Coulson for the Change is Use from Shop to Consulting Rooms at 2/93 Winston Avenue, Daw Park, as detailed in Development Application No. 080/0583/19 subject to the concurrence of the State Commission Assessment Panel, and subject to the following reserved matters, 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. 080/0583/19 except where varied by any condition(s) listed below:

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

2) The premises must only be used between the hours of 8am and 6pm Monday to Friday and 9am to 3pm Saturday unless written approval to vary the times is given by Council.

   *Reason: To ensure minimal impact on adjoining owners*

3) The amount of Chiropractors operating at the site shall be limited to 2 at any given moment.

   *Reason: To ensure minimal impact on adjoining owners.*

Advisory Notes:

1) No advertising or signage has been included in this development application. The applicant is reminded that any advertising or signage erected on site will require a separate development application.

Attachments:

A. Plans and Documentation
STATEMENT OF EFFECT

The proposal: Change the use of a vacant shop to consulting rooms DA080/0583/19

Location: 2/93 Winston Road, Daw Park

Council: City of Mitcham

Shop 2/93 Winston Avenue Daw Park (painted lime green) currently vacant

Statement prepared by Advantage Planning
Location

The subject site is a vacant shop in a group of four shops located on the north-eastern corner of the Winston Avenue and Morgan Avenue roundabout in Daw Park. The subject land is designated as Certificate of Title Vol 4139 Folio 474. The subject land with reference to the City of Mitcham – as consolidated 20 February 2018 is located in the Residential Zone Central Plain Zone - Policy Area 8 where consulting rooms over 50 square metres in gross floor space are non-complying. The consulting room proposed (Chiropractor) has a gross floor area of 72 square metres. However the actual area to be used as consulting rooms is nearer 48 square metres.

The Proposal

The group of four shops located at 93 Winton Avenue are presently disposed as a Tile shop, Upholsterer and Take-Away Food premises. It is proposed to change the use of the vacant shop at 2/93 Winton Street to a consulting rooms for Chiropractors. Other than some new signage and some additional car parks in the existing on site car park the proposal will require a fitout within the shop. The existing toilet facilities, kitchen and reception area will remain where they are presently located. New internal partitions will be added to create two separate rooms for two Chiropractors and another smaller room for Remedial Massage.

Mitcham (City) Development Plan (as consolidated 20 February 2018)

Metropolitan Adelaide

Objective 1 Development primarily comprising detached dwellings within Residential (Central Plains) Policy Areas 8,9,10 and 12 undertaken in a manner that compliments the predominant architecture, streetscape and low density character of existing development in the locality

Although the consulting rooms proposed are over 50 sq. metres in gross area (72 square metres gross) it is located within an existing single storey commercial building. The group of shops is not new and has existed in the locality for many years. The change of land use from shop to consulting rooms will in no way impact the architecture or low density character of the locality. The only external change to the shop will be signage on the existing canopy and parapet wall above the canopy. This proposed signage will be entirely consistent with the signage on other adjacent shops and cafes.

Objective 2 A proper distribution and segregation of living, working and recreational activities by the allocation of suitable areas of land for those purposes.

Winston Avenue runs for approximately 3 kilometres between Cross Road and Daws Road and bus routes travel along it is a significant collector road. Over this 3 kilometre distance there are about 23 right angle or roundabout intersections 4 or 5 of these intersections have...
groups of 4-6 shops like the subject group. There are also other individual retail and service type premises along the length of Winston Avenue. Many of these shops would have historically been butchers, fruit and veg shops, delicatessens etc. before motor vehicles became so dominant.

Now supermarkets and shopping centres serve the residential populations everyday needs these existing local shops have changed their function. The shops have largely change use replaced by uses such as homewares, cafes, art & crafts, fashion and personal service premises. All of these newer land uses provide services to the local community and contribute to a sense of community for residents to meet and socialise. A Chiropractor or consulting rooms could easily fit into this mix and would similarly serve the local population.

Objective 21: Commercial development located in suitable areas

The subject land is zoned residential rather than commercial. However the existing building is a commercial building located within a residential zone. It is unlikely the subject site would be redeveloped for residences in the foreseeable future so it is desirable that the proposed tenancy within the group of shops is used by a suitable land use (Chiropractor) that will provide a service for the surrounding community.

Objective 40 an urban environment and rural landscape not disfigured by advertisements.

The signage proposed for the consulting rooms is proposed on the fascia of the existing canopy and on the parapet wall above. This is where signage would have historically been placed and is consistent with what is on the adjoining shops presently (refer photograph on this Statements front cover).

Principle 6 Non-residential development in residential zones should provide adequate protection for residents from air and noise pollution, traffic disturbance and other harmful effects on health or amenity.

The proposed consulting rooms will not generate any air or noise pollution or other harmful effects on health or amenity. With regard to on site car parking there is presently 7 on site car parking spaces along the back fence of the property clearly marked with wheel stops. Located in the eighth parking spot is presently a shipping container which will reportedly be removed to provide an additional car parking space. Further to this there is sufficient width in the rear car park to provide two additional staff car parks, parallel to the back wall of the shops, while still complying too Australian Off Street Parking standards AS/NZ 2890.1:2004.
There is presently seven carparks along the rear fence the shipping container will be removed so there are eight.

Principle 9 Development in a residential zone should not impair its character or the amenity of the locality as a place in which to live.

The proposed consulting rooms will have no impact on the amenity of the locality the only external impact will be new signage and some additional car parking spaces within the existing on site car park located at the rear of the existing building.

Principle 11 Landscaping of development in residential zones should:

(a) Enhance residential amenity  
(b) Screen storage, service and parking areas  
(c) Provide protection from sun and wind; and  
(d) Not unreasonably affect adjacent land by shadow

There is no screening or landscaping of the existing car park presently as viewed from Morgan Avenue. Landscape planting along part of this southern boundary would result in the loss of a car parking space so if required screening could be a preferable solution.

Alternatively landscape plantings could be undertaken along the eastern boundary to screen the car park from the dwelling located adjacent.
Outdoor Advertisements

Principle 30 The Location, sitting, size, shape and materials of construction, of advertisements should be:

(a) Consistent with the desired character of areas or zones as described by their objectives; or
(b) Consistent with the predominant character of the urban or rural landscape

The signage proposed on the existing canopy and parapet wall is consistent with the character and objectives of the zone. Such signage is similar with what would have historically been placed on the building and matches what is on adjacent shops presently. Therefore the proposed signage is consistent with this principle and others concerning amenity of the area, architectural themes, compatible with other signage and will not create a hazard or a distraction to passing motor vehicles.
City Wide

Interface between Land Uses

Objectives 19 Development located and designed to minimise adverse impact and conflict between land uses

Objective 20 Protect community health and amenity from adverse impacts of development

Objective 21 Protect desired land uses from the encroachment of incompatible development

With regard to objectives 19-21 consulting rooms will not conflict with adjacent land uses. Consulting rooms will not be any more incompatible or have more impact on the amenity of the area than a retail shop which is the existing use rights for the vacant premises.

Principle 16 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

(a) the emission of effluent, odour, smoke, fume, dust or other airborne pollutants;
(b) noise
(c) vibration
(d) electrical interference
(e) light spill
(f) glare
(g) hours of operation
(h) traffic impacts.

It is not conceivable the proposal would cause any unreasonable interference to (a) to (f).

With regard to trading hours these will be 8.00 am to 6.00 pm Monday to Friday and 9.00am to 3.30 pm Saturdays. Similar to if the subject premises were to continue being used as a retail shop. Any traffic impact would be insignificant with the addition of a few additional car parks.

Principle 106 Centre type development located outside centre zones, the Regional Activity Zone or the Suburban Activity Node Zone should:

(a) Be of a size and type which would not hinder the development or function of any business, centre or shopping zone and be in accordance with the objectives for centres and shops and the objectives for the appropriate zones; and

(b) Conform to the access, car parking and design principles for centre zones set out below

With reference to Principles 106 and 107 they require the development does not straddle an arterial road, encourage movement across an arterial road nor increase traffic in adjacent residential areas. The proposal will increased the number of car parks within the existing on site car park. If there was any additional on street parking generated Winston Avenue is a wide collector road that has ample on street car parking spaces available as does Morgan Avenue.
Principle 108 Development within centre zones, the Regional Activity Zone or the Suburban Activity Node Zone should conform to the following access, movement and car parking principles (except where otherwise stated in the zone):

(q) development should provide car parking spaces for employees, customers, clients and visitors in accordance with the following standards:

(iii) for a consulting room, at least three car parking spaces for each part of the building used or capable of being used as a consulting room

Council staff have suggested this is the appropriate parking standard to be used in relation to the subject site. However it should be noted the site is not located in a centre zone, Regional Activity Zone or Suburban Activity Node but rather in a Residential Zone. The existing on site car park will be increased from seven to ten car parks an increase of three car parking spaces in addition to the two space already allocated for shop 2/93 Winston Avenue making a total of 5 parking spaces.

- 1/93 The Tile shop only trades on Friday and Saturdays
- 2/93 Currently vacant
- 3/93 The Upholster is reportedly closing in the near future
- 4/93 The Take Away shop does not trade until after 11.30am.

The existing car park is barely utilised and after three visits to the site I have only ever seen one car parked in the car park. Winston Avenue has an abundance of on street parking available as does the side street Morgan Avenue. So it has been suggested by Council staff that they do not see a minor deficiency of on-site car parking for the subject site to be a significant issue.

Principle 118 Development should conform with the following principles relating to traffic, parking and vehicle access, in addition to any relevant land use specific parking standards:

(a) Development should provide safe and convenient access for private vehicles, cyclists, pedestrians, service vehicles, emergency vehicles and public utility vehicles

(i) The layout of all parking areas should be design so as to obviate the necessity for vehicles to reverse onto public roads

(j) Car parking areas should be sealed with material which will minimise any mud or dust hazard and provide an even, low maintenance pavement.

The crossover access to the existing rear car parking area is about 20 metres from the roundabout intersection of Winston and Morgan Avenues. This is considered a safe distance for convenient private access to the car park removed from any traffic conflict with vehicles using the roundabout.

The eight car parking spaces along the back fence should be for the use of customers. The two additional parallel spaces should be designated as staff car parks. A simple two point turn by staff vehicles would enable these two vehicles to leave the car park in a forward direction.
The carpark is presently partly paved in concrete but most of the car park is levelled and sealed with compacted dolomite and sand that is in good condition.

**Residential (Central Plains) Policy Area 8**

**Desired Future Character**

*Future development within the policy area should complement the existing mixed character of development constructed between 1920 to 1970, by respecting and preserving the private open space and low density qualities of the area.*

The existing group of shops has been there many years and is a single storey building. The proposal will respect the low density and low scale character of the area including existing groups of shops.

*To achieve new development at higher density than that prevailing, whilst maintaining the character of the area, such development should be located on larger sites (which may require the amalgamation of several existing allotments) to enable a planned and co-ordinated development.*

The Desired Future Character statement above encourages new residential development in the area at higher densities than prevail presently. As the density of residential development increases, population will increase in the area, so more people would frequent existing commercial development like cafes, shops and consulting rooms to enhance their viability.

**Non-complying Development**

*The following kinds of development are non-complying in the Residential (Central Plains) Zone*

**Consulting Room with a gross floor area of 50 square metres or more**

The required on site car parking for at most two Chiropractor and one remedial therapist in a 72 square metres shop could be up to nine on site car parking but in centre and activity nodes not specifically a residential zone. The site is located on a corner with vehicle access off Morgan Avenue there are seven parking spaces along the allotments 20 metre wide back fence. A shipping container will be removed to free up an eighth space. There is sufficient depth approximately 15 metres to comfortably accommodate a couple of parallel parking spaces along the rear wall of the shop, while still complying with the relevant Australian Standards for off-street parking.

Although the gross leasable area of the current shop is 72 square metres the actual area being used for consulting rooms is only 48 sq. metres. So the provision of additional 5 parking spaces is considered acceptable within the locality. The existing on site carpark is presently hardly used during the consulting hours proposed. Further to this there is ample on street car parking on Winston and Morgan Avenues that is not time restricted.
An assessment of the social, economic and environmental effects of the development on its locality

Social

Travelling along Winston Avenue it is evident that the existing 4 or 5 groups of shops along its length are hubs of activity. The groups are generally located at intersection to maximise easy access for local and non-local visitors alike. Most groups like the subject group have a café or food shop of some description located within them. Also generally they have a personal services establishment like a hairdressers or beauty salon located within the group.

Shops generally but cafes and personal service premises especially encourage people to meet and socialise. Such uses are therefore a natural addition to a residential zone offering services that the local community require and frequent. The addition of consulting rooms to these small groups of shops are a natural addition and will equally serve the local community and facilitate people meeting and socialising.

Economic

Supply and demand will ultimately determine what commercial land uses survive or fail within any area. In a residential zone like this one other than passing trade the shops and services will be largely be dependent on the support of the local community from the surrounding residential area to be profitable.

Consulting rooms are a point of destination where someone has generally made an appointment for the chiropractic service. This is distinct from a retail shop that is dependent on the local population and passing trade for business. It is probably inevitable that some consulting rooms will want to establish themselves in a relatively low population/ lower rental area such as this.

Environmental

A chiropractor is not going to create noise or nuisance and would not even be expected to generate any significant medical waste. Changing the use of the vacant premises from shop to consulting rooms would not expect to generate any significant external impact on the surrounding residential area. It is proposed to create an additional three car parking spaces in the rear parking area to accommodate any additional traffic the consulting rooms could generate or in total five car parking spaces.

Summary

Non-residential development in residential zones should be of a nature and scale that:-

- Serves the needs of the local community
- Is consistent with the character of the locality
• Does not detrimentally impact on the amenity of nearby residents

The consulting rooms will serve the local community. Outwardly there will no noticeable difference from shop to consulting rooms so there will be no impact on the character of the locality. Any signage would be constrained and placed on the existing canopy and parapet the same as other neighbouring shops so there should be no significant visual impact on the character of the area.

Therefore I request Council accept this Statement of Effect to assist in the development assessment process for changing the use of the vacant shop to consulting rooms. The land use is only a small consulting rooms which will serve the local community without detracting from the amenity of surrounding residences. The proposed change of land use will not be significantly at variance with any of the relevant objectives and principles in the Mitcham Development Plan.

Simon Grose
Director
Advantage Planning Services
DITP, GDURP, GDPD, PIA and CPI
1 June 2019
7.4 37 SHEOAK ROAD BELAIR

1. Snapshot

<table>
<thead>
<tr>
<th>Author:</th>
<th>Bethany Andretzke</th>
</tr>
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<tbody>
<tr>
<td>Proposal:</td>
<td>Detached Dwelling, Garage and Earthworks with Associated Retaining Walls</td>
</tr>
<tr>
<td>Development Number:</td>
<td>080/1180/18</td>
</tr>
<tr>
<td>Date of Lodgement:</td>
<td>26/10/2018</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr D B Kitchen &amp; Mrs H C Kitchen</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Construction Services Australia</td>
</tr>
<tr>
<td>Location:</td>
<td>37 Sheoak Road BELAIR SA 5052</td>
</tr>
<tr>
<td>Zone:</td>
<td>Historic (Conservation) - Belair Village</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>None</td>
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<td>Internal Referrals:</td>
<td>Local Heritage Consultant – Grieve Gillett Anderson / Project and Development Engineer</td>
</tr>
<tr>
<td>External Referrals:</td>
<td>Country Fire Service (CFS)</td>
</tr>
<tr>
<td>Development Plan:</td>
<td>Consolidated 20 February 2018</td>
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<tr>
<td>Delegation:</td>
<td>Council Assessment Panel – applications for construction of a new dwelling in any Historic (Conservation) Zone</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>To Grant Development Plan Consent subject to conditions</td>
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2. Background

The June Council Assessment Panel meeting saw the demolition of the existing dwelling on site receive Development Plan Consent (DA 080/1180/18).

The application for the built form has undergone substantial amendments to its façade to ensure it adequately compliments the predominant historic character and style of neighbouring built form. The initial design began as per below;

**Figure 1: First facade design submitted to Council for 37 Sheoak Road, Belair**
### 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>080/0217/13</td>
<td>Construct a domestic outbuilding</td>
<td>APPROVED</td>
</tr>
<tr>
<td>080/1345/18</td>
<td>Demolition of existing dwelling</td>
<td>APPROVED</td>
</tr>
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### 3. The Subject Land

The subject land is an irregular shaped allotment, located on the northern side of Sheoak Road in Belair. It has a frontage of 21 metres, a depth of 70 metres, and a site area of 2000 square metres.

There is currently a single storey detached dwelling and outbuilding with a substantial amount of vegetation along the eastern side and rear of the allotment.

The portion of the subject land where the dwelling is proposed has a slope of 5.4 metres from the south-west corner and across the allotment to the north-east. The area where the existing dwelling is located has been previously benched, with the slope increasing more substantially to the north-east section of the allotment.

An easement runs along the western side boundary for the purpose of water and gas supply. This easement is not affected by the proposed development.

![Figure 2: Subject site - 37 Sheoak Road BELAIR](image_url)
4. **The Locality**

Land uses within the locality are mixed as a result of the Historic (Conservation) Zone that seeks to protect the original township character as well as the interface with the Residential (Hills) Zone. The locality comprises of a mix of development including St Johns Grammar School at 42 Sheoak Road, a café at 38 Sheoak Road, a church on the western neighbouring property and a number of public reserves.

A substantial portion of the locality displays residential development involving detached dwellings on large allotments with a high open space to built-form ratio. All residential properties have been developed with ancillary forms of residential development such as outbuildings and verandahs.

Properties either side of Sheoak Road are located within the Historic Conservation (Belair Village) Zone and include a mix of state, local and contributory heritage items. Further back, converts into the Residential (Hills) zone.

---

![Zones within the locality - Historic Conservation (Belair Village) (white) / Residential (Hills) (yellow)](image)

*Figure 3: Zones within the locality - Historic Conservation (Belair Village) (white) / Residential (Hills) (yellow)*
4.1 Locality Plan

![Locality Plan](image)

Figure 4: Locality (blue) / Subject site (red)

5. The Proposal

The applicant seeks Development Plan Consent to construct a split level single storey detached dwelling. To facilitate the construction of the dwelling, retaining walls and associated earthworks are required.

The proposed dwelling is shown to be constructed in approximately the same location as the existing dwelling on the land, with a slight increase in floor space. The proposed single storey detached dwelling includes a double garage, retreat, office, three bedrooms, bathroom, laundry and combined kitchen and living space. The floor layout additionally allows for a courtyard space.

The single storey dwelling proposed is of a modern villa design with character elements such as protruding bullnose verandah, central gable roof at a 30 degree pitch. The roof and verandah is to be clad in custom orb corrugated sheets, in colorbond Woodland Grey. The front façade uses lighter colours to be in line with the locality, with sandstone veneer and a garage door coloured Classic Cream.

Earthworks consist of cut to a depth of 0.3 metres, while fill is proposed at a maximum height of 1.9 metres. The largest extent of fill is located in the north-east corner of the proposed dwelling. Terraced retaining walls of up to a maximum height of two metres are proposed along the rear and sides of the proposed dwelling. All retaining is situated a minimum of 1.22 metres in from the allotment boundaries.
6. **Zoning**

The subject land is depicted on Zone Map Mit/11 in the Mapping Section of the Development Plan.

The land is located entirely within:

- The Historic Conservation (Belair Village) Zone; and
- Is covered by the High Bushfire Protection Area Overlay.

7. **Procedural Matters**

7.1 **Classification**

The nature of the proposed development is not designated as being either complying or non-complying in the Mitcham (City) Development Plan or Development Regulations 2008.

As such, the proposal has been dealt with as a merit form of development.

7.2 **Public Notification**

The proposed development application is assigned as a Category 3 form of development due to the overall extent of earthworks and retaining walls incorporated into the proposal.

No representations were received during the public notification process.

7.3 **Referrals**

7.3.1 **Internal**

7.3.1.1 **Local Heritage Consultant**

Both the applications for demolition (DA 080/1345/18) and built form (DA 080/1180/18) were referred to a Local Heritage Consultant to provide advice.

Initial concerns were raised outlining how a replacement dwelling should be of a scale and character compatible with the site and in the locality and designed to a high architectural standard. These concerns were:

- Roof pitch – significantly shallower than that of the prevailing character in the Zone
- Parapet element
- Lack of eave overhang
- Awning style windows – not a style common to other dwellings – overly vertical, with a width too narrow relative to the height
- Double width garage roller door under main roof – at odds with typical arrangement for places of heritage value in the area (garage either detached or at least less dominant)
- Lack of front verandah
The proposal was initially not supported.

Following these concerns raised by the Local Heritage Consultant, the applicant amended the design to better meet the provisions of the Zone and the heritage character of the area. The amendments made were;

- Roof pitch – went from 22.5 degrees to 30 degrees
- Removal of parapet element
- Less dominant double width garage – middle section (retreat space) amended to protrude further forward than garage with remainder of building to be relatively in line with garage
- Amendment made to style of windows – less and wider
- Inclusion of a front verandah

As per Attachment B, the Local Heritage Consultant indicated that “the amended proposal sufficiently addresses the relevant Principles of Development Control to warrant support”.

7.3.1.2 Engineering

As per Attachment C, Councils Project and Development Engineer indicated that the proposal is supported, subject to recommended conditions.

7.3.2 External

The subject land is located within a high bushfire protection area, as such was referred to CFS for comment. The CFS have no concerns with the proposed development, as outlined in Attachment D. Conditions are included in the referral response to ensure access is established and maintained to meet the requirements.

8. Key Issues

**Key Development Statistics**

<table>
<thead>
<tr>
<th></th>
<th>REQUIREMENT</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>DESIRED CHARACTER</td>
<td>New development should retain as far as practicable the existing historic pattern of development and built form. The area is mixed but predominantly residential character should be retained.</td>
<td>Allotment remains unchanged. Residential dwelling proposed. New development designed to respect and complement features shown throughout the locality</td>
</tr>
<tr>
<td>SITE AREA</td>
<td>Land Division should not be undertaken – PDC 24 of H(C)BV</td>
<td>2000sqm</td>
</tr>
<tr>
<td>FRONTAGE (WIDTH OF ALLOTMENT ALONG THE STREET)</td>
<td>Detached (15m)</td>
<td>18.44m</td>
</tr>
</tbody>
</table>
The following matters are considered pertinent in reaching a recommendation for the proposal:

- Does the design of the dwelling complement the heritage character of the locality; and
- Is the siting of the dwelling appropriate in terms of setbacks and minimising extent of earthworks and retaining.

9. 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 Design of the dwelling complementing heritage character of locality

Principle of Development Control 5 of the Historic (Conservation) Zone – Belair Village states;

*The architectural features of buildings and structures should complement the predominant style of neighbouring buildings of heritage significance in terms of;*

- a) The form and pitch of the roof and height of eaves;
- b) The style and proportions of windows and doors visible from the street and a blending of solid walls and openings;
- c) The style of verandahs and carports; and
- d) Roof, external wall, window frame and verandah materials and colours.
Furthermore, PDC 8 further adds that development should relate in height, scale, bulk and set-backs to that of neighbouring Local Heritage Places and Contributory Items within the Zone, and should be single storey.

Multiple architectural features outlined through Table Mit/8 are included into the design to reflect the heritage character of the locality. These include the mass and proportion of the built form, the overall width of the building to the street, the ratio of solid versus void areas on the front façade and front verandah. The materials and colours selected for the proposed dwelling follow that of existing dwellings within the street, as well as being of natural colourings. Although the roof pitch does not meet PDC 15 of the Zone, the proposed 30 degree roof pitch is considered to be reasonably compromise and is not considered to detrimentally impact on the overall proposal following the streetscape character.

The proposed detached single storey dwelling reasonably complements the predominant style of neighbouring buildings of historic significance, and therefore is considered to accord with PDC 5 and 8 of the Zone. This is achieved by a bullnose front verandah, lighter colour scheme and the protruding dominant gable feature. All of these elements are shown throughout the locality as well as on the heritage listed items.

Lastly, although the garage is not detached from the proposed dwelling or located to the rear as indicated in PDC 21(b), it is considered to be designed in a way to not pose as the dominant feature of the front dwelling façade. This is achieved by the one metre additional setback from the main face of the building and the addition of the bullnose verandah protruding from the dwelling. The simplistic design and articulation to fit within the roof form of the dwelling further helps to reduce the overall scale and visual impact to the street.

Conversely, given the design was amended as per the initial response from the local heritage consultant; the current proposal is now considered acceptable and warrants support as outlined in Attachment B.

9.3 Siting of dwelling

Due to the unusual shaped allotment in conjunction with the substantial slope of the subject land, the proposed dwelling is considered to be situated in the most appropriate location on the land. With this in mind, the front setback and earthworks with associated retaining are assessed in greater detail to determine the appropriateness of each.

9.3.1 Front setback

It is noted that the proposed front setback does not meet the average of adjoining properties as per PDC 19(a) of the Zone. Notwithstanding this, the proposal is set approximately two metres further back from the front boundary than the existing dwelling on the subject site. Additionally, it is also noted that along Sheoak Road the average front setback is approximately seven metres. The proposal has a greater setback at eight metres, which is considered complimentary of the two neighbouring properties have a greater front setback than other structures in the locality.
9.3.2 Side setbacks

PDC 19(b) of the Zone identifies side boundary setbacks should be at least one metre. The proposal is set in 3.65 metres from the eastern boundary and 1.82 metres from the western boundary, therefore complying with PDC 19(b) of the Zone.

9.3.3 Earthworks and retaining

The Zone has no provisions that directly relate to earthworks, as such only the Council Wide provisions are used for the purposes of assessing the impact of the proposed earthworks.

Council Wide Principle of Development Control 65 aims to avoid cut and fill greater than 1.5 metres in height, and where done so is screened from the street by landscaping of a building. Notwithstanding the fill in some areas is greater than 1.5 metres in height, the proposal aims to screen it from the street, as well as adjoining properties. This is achieved by the existing vegetation, along with appropriate space between the built form and allotment boundaries to provide further vegetation to help screen from view. The owner has provided ideas of plantings they wish to incorporate around the dwelling to provide both screening and vegetative coverage. Furthermore, the predominant volume of earthworks proposed is at the north-east rear section of the dwelling.

Notwithstanding the shortfall against PDC 65, the proposal has reasonably considered the impacts by incorporating a split level design to help minimise the extent of earthworks and reduce the visual intrusion to the street as per PDC 67 which states;

(b) Dwellings proposed to be developed on a sloping site should be designed and sited so as to be in keeping with the slope of the land, by incorporating the following measures;
   i. Floor space should be articulated and, where appropriate, of split level design to minimise cut, fill and obtrusiveness of the proposed building;

Further to this, retaining walls are necessary for the retention of the earthworks on site. This has been designed in a terraced form around the rear of the dwelling, extending along a portion of the eastern side, and a single stepped retaining wall down the western side of the dwelling. Council Wide PDC 65 outlines where;

Retaining walls over one metre in height are to be:
(a) Located a minimum of one metre inside the boundary of dwelling site;
(b) If located closer to a road boundary than a dwelling, constructed to allow landscaping to be installed

Although some of the retaining proposed will be seen from neighbouring properties; this is due to the wire fencing which currently exists on the boundaries. Properties can currently see into adjoining properties, however is considered to be indirect given the current extent of vegetation over the land.
The large majority of the earthworks and retaining being undertaken across the site will largely be hidden from view from the street and adjoining properties by virtue of the siting of the building as well as the existing vegetation on site. There are no unreasonable impacts as a result of the proposed works.

10. Conclusion

When assessed against the relevant provisions of the Development Plan and taking into account the advice received from the heritage consultant along with the surrounding locality and nature of development, it is considered that the application warrants Development Plan Consent.

11. Recommendation

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

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

GRANTS Development Plan Consent to the application by Construction Services Australia Pty Ltd to Construct a detached dwelling, garage and portico, and earthworks with associated retaining walls at 37 Sheoak Road, BELAIR, as detailed in Development Application No. 080/1180/18 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. 080/1180/18 and more specifically the following plans;

- Floor Plan – Hickinbotham – Sheet no. 1 of 3 – Date 15/02/2019
- Elevations – Hickinbotham – Sheet no. 2 of 3 – Date 15/02/2019
- Colour Selection Schedule – Date 09/08/2018
- Siteworks and Drainage Plan – Sheet 1 of 1 – Revision B – Date August 2018
- Siteworks and Drainage Plan (showing CFS tanks/connections) – Sheet 1 of 1 – Revision B – Date August 2018
- Retaining wall elevation Plan – Sheet no. 2 of 3 – Date 15/02/2019
- Footing Plan – Sheet 1 of 1 – Revision B – Date August 2018
- Articulation Plan – Sheet 1 of 1 – Revision B – Date August 2018
- Construction Footing Report – Amendment no. 2 – Date 27/03/2019
- Email from The Kitchens dated 17 June 2019

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

2) The landscaping must be established within 6 months of the date of Development Approval and must be maintained in good condition at all times. Any such landscaping must be replaced if it dies or becomes seriously diseased.
Reason: To ensure landscaping is established within a reasonable time and enhance the visual amenity of the locality in which the subject land is situated

3) All scarring or physical disturbances of the land during any excavation work must be restricted to only that which is shown on the approved plan and only as required for building work and/or access purposes.

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

4) Retaining walls necessary for the retention of earthworks associated with foundations for the development are required to be constructed prior to or concurrently with the earthworks.

Reason: To minimise soil erosion and ensure compaction of foundations

5) 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 galvanised 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

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

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

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) The stormwater sump pump must be fitted with an external power plug to enable alternative power supply in the case of emergencies to the satisfaction of Council.

*Reason:* To provide adequate alternative power supply for pump sump system at all times of extensive power failures etc

9) All earthworks associated with the development must be stabilised in accordance with the standard engineering design and practices against erosion and failure.

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

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

10) 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

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

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

**Conditions as imposed by CFS:**

12) **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 has no objection to the proposed access driveway as detailed on drawing named Siteworks and Drainage Plan dated at last revision B Mar. 19** – with CFS fire water amended as received by CFS 7.05.19, with the following conditions:-

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- The ‘T’ shaped turning area, (utilising the public road) shall be a minimum formed length of 11 metres with minimum internal radii of 9.5 metres on bends, including bends connecting private access to public roads.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical
height clearance of 4 metres.

13) **ACCESS (to dedicated water supply)**

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

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

**SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named Siteworks and Drainage Plan dated at last revision B Mar. 19 – with CFS fire water amended as received by CFS 7.05.19, providing it is established and maintained to comply with the following conditions:**

Incorporating a site specific solution:

- A series of slimline non combustible tanks, interconnected totalling 22,500 Litres;
- Fitted with a gravity fed fire authority outlet within 6m of the hardstand;
- Feed to Pump and Fire Hose Reels in accordance with Ministers Specification SA78;
- The first 15,000 Litres (west of the dwelling), shall be interconnected so that the water level descends simultaneously eliminating the need to operate multiple valves; and
- Total of all tanks shall be interconnected to allow the transfer of water, to and from, as the water level descends.

- 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.

- 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.

- Ideally a remote water supply outlet should be gravity fed, where this is not possible the following dimensions shall be considered as the maximum capability in any hydraulic design for draughting purposes:
  - The dedicated water supply outlet for draughting purposes shall not exceed 5 metre maximum vertical lift (calculated on the height of the hardstand surface to the lowest point of the storage) and no greater than 6 metre horizontal distance.
  - The suction outlet pipework from the tank shall be fitted with an inline non return valve of nominal internal diameter not less than that of the suction pipe and be located from the lowest point of extract from the tank. All fittings shall be installed to allow for easy maintenance.

14) WATER SUPPLY

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

Ministers Specification SA78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister’s Specification SA78:

- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.
- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.
- The water storage facility (and any support structure) shall be constructed of non-combustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has –
  1. A minimum inlet diameter of 38mm, AND
  2. Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
  3. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the habitable building to ensure occupants safety when operating the pump during a bushfire. An ‘Operations Instruction Procedure’ shall be located with the pump control panel.
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air
ventilation for efficient pump operation.

- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the habitable building).
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- All fire-fighting hoses shall be readily available at all times.

15) **VEGETATION**

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

- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:
  i. The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the ‘clumping’ of shrubs where desirable, for diversity, and privacy and yet achieve the ‘overall maximum coverage of 30%’.
  ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
  iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
  iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
  v. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height.
  vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
  vii. No understorey vegetation shall be established within 1 metre of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
viii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves.

ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

Attachments:

A. Plans and Documentation
B. Internal referral response (Heritage)
C. Internal referral response (Engineering)
D. External referral response (CFS)
E. Site photos
Certificate of Title - Volume 6173 Folio 495

Parent Title(s)  CT 6173/493
Creating Dealing(s)  TG 12475511
Title Issued  06/05/2016  Edition 1  Edition Issued  06/05/2016

Estate Type
FEE SIMPLE

Registered Proprietor
DOUGLAS BREWSTER KITCHEN
HELEN CHRISTINA KITCHEN
OF 37 SHEOAK ROAD BELAIR SA 5052
AS JOINT TENANTS

Description of Land
ALLOTMENT 87 FILED PLAN 150842
IN THE AREA NAMED BELAIR
HUNDRED OF ADELAIDE

Easements
SUBJECT TO EASEMENT(S) OVER THE LAND MARKED B ON F250780 FOR WATER SUPPLY PURPOSES (TG 12475511)
SUBJECT TO EASEMENT(S) OVER THE LAND MARKED B ON F250780 FOR GAS SUPPLY PURPOSES (TG 12475511)

Schedule of Dealings
Dealing Number  Description
12370702  MORTGAGE TO WESTPAC BANKING CORPORATION (ACN: 007 457 141)

Notations
Dealings Affecting Title  NIL
Priority Notices  NIL
Notations on Plan  NIL
Registrar-General’s Notes  NIL
Administrative Interests  NIL
COUNCIL ASSESSMENT PANEL
AGENDA

ITEM 7.4 - ATTACHMENT A

4 JULY 2019

*Rainwater By-pass System Plumbed To Main Bathroom Toilet Only By Builder
Supply Of Tank & Connections By Owner Prior To Occupation

*Rainwater By-pass Loop To Be Located In Brickwork As Close As Possible To The Rainwater Tank Location On The Site Plan

*DOUBLE GLAZING To All Windows & ASU’s EXCLUDING Front Double Hung Windows

*Insulation As Specd
R1.5 To Internal Walls
R0.5 To External Walls
(Excluding External Garage Walls)
R0.5 To Ceiling
R2.5 To Garage Ceiling

*Excess Soil Removal By Builder

*Bushfire Construction Zone - HIGH

*Ducted Exhaust Fan To Atmosphere To WC Without An Operable External Opening

*1x TV Points

*6x Ceiling Fan Provisions Carpenter To Trim Out

*NBN Conduit Provision Only By Builder

Electricals to state: All electrical points within splashback area to be a minimum of 1070mm to finished edge

Hickinbotham

BUILDERS, CONTRACTORS,
COMMUNITY PLANNERS
33 NORTH TERRACE, HACKNEY, SA, 5061
PHONE (08) 8344 0000 FAX (08) 8343 7812
A.C.N. 007 641 787 B.C: G9691

© COPYRIGHT BUILDING TECHNICAL SERVICES PTY LTD

FLOOR PLAN

MODEL: Custom Split (Double Garage)

CLIENT: Mr. & Mrs. Kitchen

Loc: 87 Sheoak Rd,
BELAIR

FILE REF No.: 200
JOB No.: 35374
SHEET No.: 1 of 3
COLORBOND ROOF ON 30° PITCH
300 EAVES

LEGEND:
- light switch
- downlight switch
- double power outlet
- outdoor light point
- wall cracked light point
- frayed
- town light
- adding points for
- power switch
- earthed switch
- television point
- telephone point
- phone point
- smoke alarm in accordance
- with AS 3789
- 2 headlight combo
- 6 wall light combo
- setting for provision
- of power

ELEVATION 1

ELEVATION 2

ELEVATION 3

ELEVATION 4

Hickinbotham

MASTER BUILDERS, CONTRACTORS.
COMMUNITY PLANNERS.
23 NORTH TERRACE, HACKETT, SA, 5069
PHONE (08) 8364 0080 FAX (08) 8362 7612
A.C.N. 007 641 787 B/L: 036969

© COPYRIGHT BUILDING TECHNICAL SERVICES PTY LTD

CLIENT: Mr. & Mrs. Kitchen
Lot 87 Shecak Rd, BELAIR

FILE REF No. 200
JOB No. 35374
SHEET No. 2 of 3
COUNCIL ASSESSMENT PANEL
AGENDA

4 JULY 2019

ITEM 7.4 - ATTACHMENT A

Due to existing fill and disturbed ground from demolition works the extent & depth of pier and slab thickness slab with slab top & slab thickness bottom to be confirmed on site during the mandatory trench and pier inspection.

GENERAL NOTES:

1. This drawing is to be read in conjunction with the construction footing report, architectural drawings and associated building plans. Any discrepancies to be reported to the office for resolution prior to fabrication or construction on site.

2. All dimensions in millimetres only unless noted otherwise.

3. The extent of piers and slab thickness with slab top & slab thickness bottom shown in this layout if not required to be in the final design. Additional information may be required at the discretion of the engineer where unspecified.

4. Provide sender piers in accordance with detail 02 where required.

5. For reinforcing polystyrene:
   - Fabric: Two Transverse wires 2.0mm
   - Bars: Top: 600mm, 16mm; 1250mm; 2400mm
   - M25: 750mm; 2400mm
6. Cover to reinforcement to be
   - 300mm to top and bottom edges of slab
   - 500mm to top and bottom edges of slab
7. Concrete strength to be 25N/mm² unless noted otherwise.
8. Concrete to be cured as detailed in the specification.

FOOTING SCHEDULE:

SHELLFILL OF ALL TIMES EXISTING HOUSE / REAR

<table>
<thead>
<tr>
<th>BEAM SIZE (MM)</th>
<th>WIDTH X DEPTH</th>
<th>REINFORCEMENT</th>
<th>HANGERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>TYPE A</td>
<td>250 x 600</td>
<td>1-200 1-200</td>
<td>W1 AT 1000 (15.4)</td>
</tr>
<tr>
<td>TYPE B</td>
<td>250 x 600</td>
<td>1-200 1-200</td>
<td>W1 AT 1000 (15.4)</td>
</tr>
<tr>
<td>TYPE C</td>
<td>250 x 600</td>
<td>1-200 1-200</td>
<td>W1 AT 1000 (15.4)</td>
</tr>
</tbody>
</table>

FLOOR SLAB - 20mm Thick with slab top increasing to 120mm thick with slab top and slab thickness bottom where shown dotted.

- Decrease hanger spacing to 300mm centres between piers.

FLEXIBLE CONNECTIONS ON SENDER AND STORMWATER SERVICES AND EXISTING CRIP, POLYSTYRENE LINING ON ALL PERP PENETRATING THROUGH FOOTING ARE TO BE CONNECTED AND LACED WITH FLEXIBLE ADHESIVE. THIS REQUIRES THE INSTALLATION OF AFTER CONSTRUCTION IS COMPLETED.

[Diagram showing footing details and specifications]
CONSTRUCTION FOOTING REPORT - FORM FR2

* AMENDMENT NO. 2 *

SITE LOCATION: LOT 87 (NO. 37) SHEOAK ROAD, BELAIR
CLIENT: HICKINBOTTOM GROUP  JOB NO: 35374
OWNER: KITCHEN  JOB NO: F1806-048B

NOTE: THE RECOMMENDATIONS SET OUT IN THIS REPORT ARE PREPARED IN ACCORDANCE WITH AS2370.2011 RESIDENTIAL SLABS AND FOOTINGS CODE. FOR FURTHER ADVICE REFER TO CLAUSE 1 OF THE SPECIFICATION. THEY ARE DETAILED RECOMMENDATIONS FOR CONSTRUCTION AND SHALL NOT BE ALTERED WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER.

1. SITE CLASSIFICATION (REFER FORM FR3): P (Fill, Cut / Fill, Trees, Existing House Site) / M - D
2. PROPOSED STRUCTURE  - Single storey split level articulated brick veneer residence
3. FOOTING TYPE SPECIFIED  - Single pour grillage raft
4. FOOTING DETAILS  REFER TO FOOTING PLAN
   The founding depth for footing beams shall be: at the specified beam depth below floor slab level, increasing in areas of fill or disturbed ground to not less than 100 mm into firm natural ground, unless supported otherwise via piers.
   REFER TO SECTION 7 BELOW FOR PIER DETAILS, IF REQUIRED.

5. ATTACHMENTS RELEVANT TO THIS REPORT
   This report must be read in conjunction with the following attachments: C.S.I.R.O. FOUNDATION MAINTENANCE & FOOTING PERFORMANCE: A HOMEOWNER'S GUIDE (INCLUDED IN OWNER'S COPY ONLY), AND AMENDED SITeworkS & DRAINAGE PLAN, AMENDED FOOTING PLAN, AMENDED ARTICULATION PLAN (FR3, FR4, D1, D2, D4, D5, D6, D7, D8, D13, Specification, Footing Calculations, Windspeed, Bushfire Attack and Earthquake Assessments, Steel Column, Stormwater and Retaining Wall Calculations - all issued previously)
   COPIES OF ALL RELEVANT ATTACHMENTS MUST BE PROVIDED TO SUB-CONTRACTORS FOR USE AT THE SITE.

6. SITE INSPECTIONS DURING CONSTRUCTION
   Site inspections by the engineer are mandatory at the following stages (work cannot be certified unless inspected). There is an additional charge for each inspection. For each inspection twenty-four hours notice is required,
   a) At completion of footing beam and pier excavation, and
   b) Prior to placing concrete in piers, beams and slab.

7. ADDITIONAL REQUIREMENTS/COMMENTS
   a) Due to the presence of existing fillings, the likely presence of disturbed ground from demolition work and based on the contours and the cut/fill line, piers have been shown on the Footing Plan. These piers are to be 1000 mm long by footing width wide and founded on an approved firm base not less than 200 mm below the original natural surface. Where pier depths exceed 500 mm below the base of the trench, reinforce with 4-N12 full depth extending 300 mm into footing. Footing piers are to be poured integral with main raft unless instability of the pier excavations is encountered or indenent weather is expected, in which case this Office is to be contacted for advice. Extent of piers and 125 mm thick slab with SL62 top and SL72 bottom as shown is provisional only and will be assessed during the mandatory trench and pier inspection.
   b) To restrict settlement of paving and services it is recommended that new fill be placed in 200 mm layers and track rolled into place to give nominal compaction. Water fill during placement as required to raise to near optimum moisture content.
   c) Provide flexible connections on sewer and stormwater services and 20 mm closed cell polyethylene lagging on all pipe penetrations through footings. Refer to attached Detail D13.
   d) Cutting and trenching on this site beyond a depth of approximately 0.8 metres may be difficult due to the presence of shale.
   e) Careful attention to installation of d.p.m. and drainage at change in floor levels is essential to minimise the potential for dampness.
   f) While allowance has been made for the presence of existing trees on and adjacent to this allotment as required by current Design Guidelines, the trees have the capacity to cause long term structural movement in the dwelling if inadequately watered. If this risk is not accepted by the Owner it is recommended that steps be taken to have footing sizes increased. Where it is intended to remove trees not otherwise stated on the Site works & Drainage Plan (if provided) or within the Construction Footing Report then this Office must be notified so the effects of tree removal can be considered. Modifications to the footing design may result and if necessary, will incur an additional design fee. Notwithstanding this, the clay soils on this site are moderately reactive. Careful attention to site maintenance is essential to minimise the risk of structural movement in the dwelling. The Owners attention is drawn to the attached CSIRO document 'Foundation Maintenance & Footing Performance: A Homeowner's Guide'.
   g) This report supersedes Amendment No.1 and the original report numbered F1806-048 dated 28 August 2018 due to change in floor plan.

HERIOT CONSULTING

1/154 Fullarton Road Rose Park SA 5067  P: 08 8431 4555  E: edmin@herriot.com.au  W: herriot.com.au
Hi Bethany,

After initial review of this application we provide the following comment:

- **Demolition of dwelling (non contributory)**
  No heritage issues with the demolition of the existing dwelling. Whilst the form and style of the building are not at odds with the character of the area, the building does not overly contribute to the historic character of the area.

- **Replacement dwelling**
  We have some concerns with the design of the replacement dwelling. Responding to Principle 10 Design and Siting of Development, which states ‘Demolition of any other building or item may be undertaken where the building does not contribute to the historic character of the area and would be replaced by a development of a scale and character compatible with the scale and character of development on the site and in the locality and designed to a high architectural standard’ (our emphasis), we would make some comments / recommendations to amend the design to better achieve this objective.

This can be accommodated within the initial 1 hour review timeframe, and will be provided by CEB today.

Thanks
Elizabeth

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

From: Elizabeth Little <ElizabethL@ggand.com.au>
Sent: Tuesday, 20 November 2018 3:01 PM
To: Bethany Andretzek
Subject: RE: Heritage Advice - Demolition and new build application - 37 Sheoak Road
BELAIR

Hi Bethany,

Further comment on the proposed replacement dwelling at 37 Sheoak Road, Belair, is as follows.

Regards,

Elizabeth

Grieve Gillett Andersen Heritage Advice

| DA Number           | 080/1180/18 – construction of new dwelling  
|                    | 080/1345/18 – demolition of existing dwelling |
| Heritage Listing    | HCZ – Belair Village – Non-Contributory Item |
| Address             | 37 Sheoak Road, Belair |
| Proposal             | Demolition of existing dwelling and construction of a new dwelling including double garage, cut and fill to site |

HERITAGE VALUE ASSESSMENT

'The Historic (Conservation) Zone - Belair Village comprises the original township of Belair... Much of the original character and integrity of the old township is still evident and it is desirable that this character be retained given the area's historic interest and significance.

...the Village area has retained much of its original character and integrity, with a railway theme evident in various places of state heritage, local heritage and contributory value. The existing heritage value and character of the Zone is derived from the many intact historic buildings and features within it and the streetscapes, townscape and landscapes created by these historic features. (Mitcham Council Development Plan)

The subject dwelling is a c1930-40s dwelling with a hipped terracotta tile roof and rendered wall surfaces. It is located adjacent the Local Heritage Place, School Chapel - Former Holy Innocents Church, and directly across the road from the LHP located within the St John's School grounds. The subject dwelling is not a contributory item within the HCZ, but does sit comfortably in the context.

DESCRIPTION OF PROPOSAL

- Proposed demolition of existing dwelling
- Proposed cut and fill of the site, and construction of a new dwelling featuring rendered Harditex cladding to front wall, (side wall material not specified), concrete tile roof at 22.5 degree pitch, aluminium awning style windows with roller shutters, flush eaves to the front section of the dwelling and 450mm eaves overhang to the rear section of the dwelling.

HERITAGE ADVICE

Demolition of Existing Dwelling

No heritage issues with the demolition of the existing dwelling as previously advised.

Construction of New Dwelling

There are a number of concerns with the proposed replacement dwelling, listed below.
- PDC 5(a), (b) and (c) have not been sufficiently addressed by the proposal. These principles seek for any new buildings and structures to complement the predominant style of neighbouring buildings of heritage significance for the following:
(a) Form and pitch of the roof and height of eaves – the proposed roof pitch is significantly shallower than the prevailing character in the zone, and the parapet element and lack of any eaves overhang to the forward part of the dwelling is incongruous to the surrounding character;

(b) Style and proportion of windows and doors visible from the street – the proposed awning style windows are not a style common to other dwellings within the zone, and their proportion is overly vertical in that the width of the windows reads as too narrow relative to the height;

(c) the style of verandahs and carports – the proposed double width garage roller door under the main roof is at odds with the typical arrangement for places of heritage value in the area, where the garage structure is either detached from the dwelling or at least located so as to be less of a dominant element in the dwelling’s presentation to the street; similarly the lack of a verandah other than a small cantilevered porch is not in keeping with the predominant characteristics of dwellings in this zone.

- PDC (10) also states that the replacement dwelling (following demolition of a non contributory dwelling) should be ‘of a scale and character compatible with the scale and character of development on the site and in the locality and designed to a high architectural standard’;
- PDC (15) is also not addressed in relation to the roof pitch of the new dwelling;
- No information has been provided in relation to the finishes and colours proposed for any of the external surfaces.

The proposed replacement dwelling is not supported in its current form.
ITEM 7.4 - ATTACHMENT B

*Rainwater By-pass System Plumber To Main Bathroom Toilets Only by Builder
Supply Of Tank & Connections By Owner Prior To Occupation
*Rainwater By-pass Loop To Be Located In Brickwork As Close As Possible To The Rainwater Tank Location On The Site Plan
*DOUBLE GLAZINGS To All Windows & ASHD
*Insulation As Spec’d R1.5 To Internal Walls
R2.5 To External Walls (Excluding External Garage Walls)
R2.0 To Ceiling
R2.5 To Garage Ceiling
*Excess Soil Removal By Builder
*Batshit Construction Zone TBA

---

FLOOR PLAN

---

[Detailed floor plan image with annotations]
CONCRETE ROOF TILES ON 22.5° PITCH
450 EAVES

ELEVATION 1

ELEVATION 2

ELEVATION 3

ELEVATION 4
ITEM 7.4 - ATTACHMENT B
<table>
<thead>
<tr>
<th>ITEM 7.4 - ATTACHMENT B</th>
</tr>
</thead>
</table>

### CONSTRUCTION FOOTING REPORT - FORM FR2 * AMENDMENT NO. 1 *

**SITE LOCATION:** LOT 87 (NO. 37) SHEOAK ROAD, BELAIR  
**CLIENT:** HICKINBOTHAM GROUP JOB NO: 35374  
**OWNER:** KITCHEN JOB NO: F1806-048A  
**DATE:** 31 October 2018

**NOTE:** THE RECOMMENDATIONS SET OUT IN THIS REPORT ARE PREPARED IN ACCORDANCE WITH AS2070:2011 RESIDENTIAL SLABS AND FOOTINGS CODE FOR FURTHER ADVICE REFER TO CLAUSE 1 OF THE SPECIFICATION, THEY ARE DETAILED RECOMMENDATIONS FOR CONSTRUCTION AND SHALL NOT ALTERED WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER.

1. **SITE CLASSIFICATION** (REFER FORM FR3):  
   - P (Fill, Cut / Fill, Trees, Existing House Site) / M - D

2. **PROPOSED STRUCTURE**  
   - Single storey split level articulated brick veneer residence

3. **FOOTING TYPE SPECIFIED**  
   - Single pour grillage raft

4. **FOOTING DETAILS**  
   - REFER TO FOOTING PLAN
     - The founding depth for footing beams shall be: at the specified beam depth below floor slab level, increasing in areas of fill or disturbed ground to not less than 100 mm into firm natural ground, unless supported otherwise via piers.  
     - REFER TO SECTION 7 BELOW FOR PIER DETAILS, IF REQUIRED.

5. **ATTACHMENTS RELEVANT TO THIS REPORT**  
   - THIS REPORT MUST BE READ IN CONJUNCTION WITH THE FOLLOWING ATTACHMENTS: C.S.I.R.O. 'FOUNDATION MAINTENANCE & FOOTING PERFORMANCE: A HOMEOWNER’S GUIDE' (INCLUDED IN OWNER’S COPY ONLY), AND
   - AMENDED SITWORKS & DRAINAGE PLAN (FR3, FR4, Footing Plan, Articulation Plan, D1, D2, D4, D5, D6, D7, D8, D13, Specification, Footing Calculations, Windspeed, Bushfire Attack and Earthquake Assessments, Steel Column, Stormwater and Retaining Wall Calculations - all issued previously)
   - COPIES OF ALL RELEVANT ATTACHMENTS MUST BE PROVIDED TO SUB-CONTRACTORS FOR USE AT THE SITE.

6. **SITE INSPECTIONS DURING CONSTRUCTION**  
   - SITE INSPECTIONS BY THE ENGINEER ARE MANDATORY AT THE FOLLOWING STAGES (WORK CANNOT BE CERTIFIED UNLESS INSPECTED). THERE IS AN ADDITIONAL CHARGE FOR EACH INSPECTION. FOR EACH INSPECTION TWENTY-FOUR HOURS NOTICE IS REQUIRED.
     - a) At completion of footing beam and pier excavation, and  
     - b) Prior to placing concrete in piers, beams and slab.

7. **ADDITIONAL REQUIREMENTS/COMMENTS**  
   - a) Due to the presence of existing filling, the likely presence of disturbed ground from demolition work and based on the contours and the cut/fill line, piers have been shown on the Footing Plan. These piers are to be 1000 mm long by footing width wide and founded on an approved firm base not less than 200 mm below the original natural surface. Where pier depths exceed 500 mm below the base of the trench, reinforce with 4-N12 full depth extending 300 mm into footing over. Footing piers are to be poured integrally with main raft unless instability of the pier excavations is encountered or inclement weather is expected, in which case this Office is to be contacted for advice. Extent of piers and 125 mm thick slab with SL82 top and SL72 bottom as shown is provisional only and will be assessed during the mandatory trench and pier inspection.
     - b) To restrict settlement of paving and services it is recommended that new fill be placed in 200 mm layers and track rolled into place to give nominal compaction. Water fill during placement as required to raise to near optimum moisture content.
     - c) Provide flexible connections on sewer and stormwater services and 20 mm closed cell polyethylene lagging on all pipe penetrations through footings. Refer to attached Detail D13.
     - d) Cutting and trenching on this site beyond a depth of approximately 0.8 metres may be difficult due to the presence of shale.
     - e) Careful attention to installation of d.p.m. and drainage at change in floor levels is essential to minimise the potential for dampness.
     - f) While allowance has been made for the presence of existing trees on and adjacent to this allotment as required by current Design Guidelines, the trees have the capacity to cause long term structural movement in the dwelling if inadequately watered. If this risk is not accepted by the Owner it is recommended that steps be taken to have footing sizes increased. Where it is intended to remove trees not otherwise stated on the Siteworks & Drainage Plan (if provided) or within the Construction Footing Report then this Office must be notified so the effects of tree removal can be considered. Modifications to the footing design may result and if necessary will incur an additional design fee. Notwithstanding this, the clay soils on this site are moderately reactive. Careful attention to site maintenance is essential to minimise the risk of structural movement in the dwelling. The Owners attention is drawn to the attached CSIRO document ‘Foundation Maintenance & Footing Performance: A Homeowner’s Guide’.
     - g) This report supersedes the original report numbered F1806-048 dated 28 August 2018 due to water tank locations moved and existing aerobic septic tank shown.

[HERRIOT CONSULTING]

SUPERSEDED
Hi Bethany,

Comments on the revised proposal at 37 Sheoak Road, Belair, as follows,

Regards,
Elizabeth

Grieve Gillett Andersen Heritage Advice

| DA Number   | 080/1180/18 – construction of new dwelling  
|            | 080/1345/18 – demolition of existing dwelling |
| Heritage Listing | HCZ – Belair Village – Non-Contributory Item |
| Address     | 37 Sheoak Road, Belair |
| Proposal    | Demolition of existing dwelling and construction of a new dwelling including double garage, cut and fill to site (amended proposal) |

HERITAGE VALUE ASSESSMENT

‘The Historic (Conservation) Zone - Belair Village comprises the original township of Belair...Much of the original character and integrity of the old township is still evident and it is desirable that this character be retained given the area’s historic interest and significance.

...the Village area has retained much of its original character and integrity, with a railway theme evident in various places of state heritage, local heritage and contributory value. The existing heritage value and character of the Zone is derived from the many intact historic buildings and features within it and the streetscapes, townscapes and landscapes created by these historic features’. (Mitcham Council Development Plan)

The subject dwelling is a c1930-40s dwelling with a hipped terracotta tile roof and rendered wall surfaces. It is located adjacent the Local Heritage Place, School Chapel - Former Holy Innocents Church, and directly across the road from the LHP located within the St John’s School grounds. The subject dwelling is not a contributory item within the HCZ, but does sit comfortably in the context.

DESCRIPTION OF PROPOSAL

- Proposed demolition of existing dwelling
- Proposed cut and fill of the site, and construction of a new dwelling
- Amended proposal features a sandstone veneer to the front elevation with rendered dressings; red brick walls to other elevations; corrugated sheet metal roof in Colorbond ‘Woodland Grey’ at 30 degree pitch, with half timbered gable details; a bullnose verandah, and aluminium windows.

HERITAGE ADVICE

Demolition of Existing Dwelling
No heritage issues with the demolition of the existing dwelling as previously advised.

Construction of New Dwelling
The amended design for the replacement dwelling addresses the concerns identified in the previous advice, with an increased roof pitch and change to roofing material; an amended verandah detail and material selection to the front elevation; and change of the window type to double hung sash rather than awning. The amended proposal sufficiently addresses the relevant Principles of Development Control to warrant support.
MEMORANDUM

TO: Bethany Andretzke
FROM: Mark Swanbury
RE: DEVELOPMENT APPLICATION 080/1180/18 FOR CONSTRUCTION SERVICES AUSTRALIA TO MERIT AT 37 SHEOAK ROAD BELAIR SA 5052
DATE: 16 November 2018

I had viewed the previous mentioned proposed development and take this opportunity to make the following comments.

FFL
The allotment in question is located on the low side of Sheoak Road with an average gradient from the front boundary alignment to the rear of the proposed dwelling of approximately 12.5%.

The FFL as indicated on the Herriot Consulting – Siteworks and Drainage Plan no. C1806-048 Rev. A dated October 2018 are consistent with the natural surface levels and with the construction of 2 x retaining walls at the rear of the dwelling, levels are acceptable to Council.

Drainage
The stormwater retention / detention capacities complies with Councils minimum stormwater requirements. The overflow from the stormwater tanks will be directed to a dual stormwater sump / pump discharging to the street.

Please also note that a designated 22,000 litre CFS fire fighting tank will also be provided within the rear yard, however not easily accessible by CFS volunteers.

Driveway
Nominated finished driveway levels had been checked and comply with AS/NZ 2890.1:2004 and Council requirements.

As the driveway within the property slopes down towards the garage, stormwater runoff from the driveway is collected by a strip drain and discharge to the rear stormwater tanks.

Summary
The application has provided all relevant engineering information of which support for development approval is warranted with the following development conditions applicable.

DEG0030 S/W connections to street
DEG0040 S/W not to be discharged onto adjoining owners land
DEG0070 Temporary debris and sediment control measures
DEG210 S/W sump/pump – external power plug
DEG330 Earthworks associated with the development must be stabilised
DEG340 Any damage to Council's infrastructure to be repaired/reinstalled
DEG250 D/W must be constructed with bound materials appropriate for the grade etc

Mark Swanbury
Project & Development Engineer
6 June 2019
City of Mitcham
PO Box 21
TORRENS PARK  SA  5062

ATTN: B ANDREZKE

Dear Bethany,

RE: DEVELOPMENT APPLICATION (PLANNING ASSESSMENT) – KITCHEN
LOT 87 (37) SHEOAK ROAD, BELAIR

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 has no objection to the proposed access driveway as detailed on drawing named Siteworks and Drainage Plan dated at last revision B Mar.19 – with CFS fire water amended as received by CFS 7.05.19, with the following conditions:-

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- The ‘T’ shaped turning area, (utilising the public road) shall be a minimum formed length of 11 metres with minimum internal radii of 9.5 metres on bends, including bends connecting private access to public roads.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.
ACCESS (to dedicated water supply)

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

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

- SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named Siteworks and Drainage Plan dated at last revision B Mar.19 – with CFS fire water amended as received by CFS 7.05.19, providing it is established and maintained to comply with the following conditions:

Incorporating a site specific solution:

- A series of slimline non combustible tanks, interconnected totaling 22,500 Litres;
- fitted with a gravity fed fire authority outlet within 6m of the hardstand;
- feed to Pump and Fire Hose Reels in accordance with Ministers Specification SA78;
- the first 15,000 Litres (west of the dwelling), shall be interconnected so that the water level descends simultaneously eliminating the need to operate multiple valves; and
- total of all tanks shall be interconnected to allow the transfer of water, to and from, if required.

- 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.

- 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.

- Ideally a remote water supply outlet should be gravity fed, where this is not possible the following dimensions shall be considered as the maximum capability in any hydraulic design for draughting purposes:

The dedicated water supply outlet for draughting purposes shall not exceed 5 metre maximum vertical lift (calculated on the height of the hardstand surface to the lowest point of the storage) and no greater than 6 metre horizontal distance.

CFS Mission
To protect life, property and the environment from fire and other emergencies whilst protecting and supporting our personnel and continuously improving
The suction outlet pipework from the tank shall be fitted with an inline non return valve of nominal internal diameter not less than that of the suction pipe and be located from the lowest point of extract from the tank. All fittings shall be installed to allow for easy maintenance.

**WATER SUPPLY**

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

Ministers Specification SA78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister's Specification SA78:

- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.
  - The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.
  - The water storage facility (and any support structure) shall be constructed of non-combustible material.
  - The dedicated fire-fighting water supply shall be pressurised by a pump that has –
    - A minimum inlet diameter of 38mm, AND
    - Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
    - A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.
  - The dedicated fire-fighting water supply pump shall be located at or adjacent to the habitable building to ensure occupants safety when operating the pump during a bushfire. An ‘Operations Instruction Procedure’ shall be located with the pump control panel.
  - The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
  - All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
  - All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
  - A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the habitable building).
  - All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
  - All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
  - All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
  - All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
  - All fire-fighting hoses shall be readily available at all times.
VEGETATION

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

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

  i. The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the ‘clumping’ of shrubs where desirable, for diversity, and privacy and yet achieve the ‘overall maximum coverage of 30%’.

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

  iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.

  iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.

  v. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height.

  vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.

  vii. No understorey vegetation shall be established within 1 metre of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).

  viii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves.

  ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

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:
LOCALITY SITE PHOTOS

37A Sheoak Road, BELAIR – dwelling
Sheoak Road, BELAIR – church (local heritage listed)
ITEM 7.4 - ATTACHMENT E

39A Sheoak Road, BELAIR – dwelling

42 Sheoak Road, BELAIR – school
Subject land: 37 Sheoak Road, BELAIR
SUBJECT LAND: 37 SHEOAK ROAD, BELAIR

Existing domestic outbuilding (shed)
Looking towards rear of existing dwelling
Looking towards 35 Sheoak Road (north)
Standing to the west of existing dwelling / looking towards north east
Standing on existing floor level looking towards east
Standing on existing floor level looking towards 37A Sheoak Road
8. CATEGORY 2 NOTIFIED APPLICATIONS

8.1 320A BELAIR ROAD LYNTON

1. Snapshot

<table>
<thead>
<tr>
<th>Author:</th>
<th>Cassia Byrne</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal:</td>
<td>Multi-level detached dwelling, comprising a double garage with a partially suspended driveway, swimming pool and safety fence</td>
</tr>
<tr>
<td>Development Number:</td>
<td>080/1637/18</td>
</tr>
<tr>
<td>Date of Lodgement:</td>
<td>18/12/2018</td>
</tr>
<tr>
<td>Owner:</td>
<td>N C Quici &amp; J S McCarthy</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Janis Semets</td>
</tr>
<tr>
<td>Location:</td>
<td>320A Belair Road LYNTON SA 5062</td>
</tr>
<tr>
<td>Zone:</td>
<td>Residential (Foothills)</td>
</tr>
<tr>
<td>Application type:</td>
<td>Merit</td>
</tr>
<tr>
<td>Public Notification Category:</td>
<td>Category 2</td>
</tr>
<tr>
<td>Representations Received:</td>
<td>1</td>
</tr>
<tr>
<td>Internal Referrals:</td>
<td>Project and Development Engineer</td>
</tr>
<tr>
<td>External Referrals:</td>
<td>Department of Planning, Transport and Infrastructure (DPTI)</td>
</tr>
<tr>
<td>Development Plan:</td>
<td>20 February 2018</td>
</tr>
<tr>
<td>Delegation:</td>
<td>CAP – Publically notified application where a representor wishes to be heard</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>To Grant Development Plan Consent subject to conditions</td>
</tr>
</tbody>
</table>

2. Background

A number of applications have previously been considered on the subject land in the past. There are many site constraints including location of easements, adjoining buildings, access and topography of the land that have resulted in a number of applications being withdrawn and not progressed.

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>080/0720/15</td>
<td>Construct a three-story dwelling with balcony, retaining walls, garage, swimming pool, and safety fence</td>
<td>Approved</td>
</tr>
<tr>
<td>080/0102/12</td>
<td>Construct a two-storey detached dwelling, garage, portico and deck</td>
<td>Development Plan Consent Granted</td>
</tr>
<tr>
<td>080/0059/11</td>
<td>Construct a two-storey dwelling with double garage, portico, retaining walls and associated earthworks</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>080/0697/09</td>
<td>Construct a three-storey dwelling with balcony, retaining walls, garage, swimming pool and safety fence</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>080/1029/08</td>
<td>Construct a three-storey dwelling, portico, deck and covered balcony</td>
<td>Withdrawn</td>
</tr>
</tbody>
</table>
3. The Subject Land

The subject site is located on the western side of Belair Road and is currently a vacant allotment. The land has a frontage width of 17.03 metres and depths ranging between 56 and 59 metres, which equates to a total site area of 964 square metres.

The site is located on the low side of the road has a fall of 9.5 metres from the high point at the north eastern corner of the site to low point at the north western corner. The majority of the site has been cleared of vegetation, however some plantings are maintained around the perimeter of the site.

Vehicular access to the site is gained via Belair Road, with the neighbouring property to the south (320B Belair Road) also afforded access from the same crossover via a free and unrestricted right of way. There are also two easements over the land marked ‘D’ and ‘A’ to the Minister for Infrastructure. No portion of the proposed built form will encroach on these easements.

4. The Locality

The locality comprises both single and two storey dwellings that are designed to maximise the views of the Adelaide Plains and to the Coast. Dwellings in the area are generally constructed in the 1960’s and 70s and presenting prominently to the street.

There is no predominant character of housing style within the area with a wide range of dwelling types presenting to Belair Road. Given the steep gradient of the locality and the era of construction there is existing reciprocal overlooking that exists between sites, both at ground level and balconies and decks. The majority of the dwellings are multi-level and designed to maximise views to Adelaide Plains rather than built to accord to the natural topography of the land.

The locality is considered to comprise the area immediately adjacent the subject land and also the residential sites 60 metres to the north and south of the subject land along Belair Road.

4.1 Locality Plan
5. **The Proposal**

It is proposed to construct a three storey, split level dwelling on the subject land with associated retaining walls, garage and swimming pool. To facilitate the construction of the dwelling, retaining walls and associated earthworks are required. The proposed development exhibits a high quality, modern design and partially steps down with the steep grade of the site.

All three levels of the proposed dwelling present as a series of rectangular ‘boxes’, with the external walls of the dwelling comprising timber screening, floor to ceiling glass sheeting and rendered masonry. The roof will be constructed with Zincalume decking incorporating a pitch of 1 degree beyond the fascia.

The internal floor areas of the dwelling are:

- **Lower Floor (including basement)** – Guest suite, living area, ensuite and terrace, media, cellar and studio area.
- **Ground Floor Plan** – Double garage, open plan kitchen, dining/living room and outdoor alfresco area incorporating an infinity edge pool and privacy screening;
- **Upper Floor** – Three bedrooms (including master suite), bathroom and sitting room;

Vehicle access to the site will be gained via the existing crossover to Belair Road, for which the adjoining property to the south is provided right of way access to their site via this same crossover.

6. **Zoning**

The subject land is depicted on Zone Map MIT/10 in the Mapping Section of the Development Plan.

The land is located entirely within:

- The Residential (Foothills) Zone.

The land is also covered by the Residential Land Within the Vicinity of a Watercourse Overlay (Figure WC/6).

7. **Procedural Matters**

7.1 **Classification**

The elements of the proposal are not assigned as *complying* or *non-complying* forms of development in Council’s Development Plan or in the Development Regulations.

As such, the proposal has been dealt with as a *merit* form of development.

7.2 **Public Notification**

The proposal was determined to be a Category 2 form of development in accordance with Council’s Development Plan.
Principle of Development Control of the Residential (Foothills) Zone lists the following forms of development as being Category 2:

- Building, including any form of dwelling, of two or more storeys, or in any event greater than 6.5 metres in height above natural ground level.

One (1) representation was received opposing the development and requesting to be heard by the Council Assessment Panel.

A summary of concerns along with the applicant’s response is provided in the table below.

<table>
<thead>
<tr>
<th>Representor’s concerns</th>
<th>Applicants Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Being able to safely turn vehicles around on-site and exit onto Belair Road in a forward direction</td>
<td>No specific response provided in relation to the neighbour being able to manoeuvre on site and exit in a forward direction onto Belair Road.</td>
</tr>
<tr>
<td>The availability of visitor parking and concern that this may block access and to 320b Belair Road</td>
<td>Turning figures have been provided by Phil Weaver and Associates which demonstrate that B85 design vehicles can appropriately enter and exit the site to/from all three on-site carparking spaces in a forward direction as is typically required by DPTI for development located on arterial roads.</td>
</tr>
<tr>
<td>Separation distances between the dwellings</td>
<td>The southern wall of the building will be setback 1.1 metres from the development on the common boundary.</td>
</tr>
<tr>
<td></td>
<td>There are steps proposed to be constructed alongside the adjoining dwelling to the south.</td>
</tr>
<tr>
<td>Concern regarding potential damage to the foundations and swimming pool of the existing dwelling at 320b Belair Road as a result of construction on site</td>
<td>Discussions have been held between the designer and a structural engineer. The structural engineer is satisfied that the proposal will not impact on the adjoining property from a structural integrity/ engineering point of view.</td>
</tr>
<tr>
<td>Loss of Privacy and visual impacts</td>
<td>The proposal has been amended to reduce the size of the screen on the southern boundary to the outdoor area. The lightweight design of the verandah to the deck area in addition to the screen will allow visual permeability through to the city. Further, the proposal will not impact on views afforded to the balcony to the west to the sea.</td>
</tr>
</tbody>
</table>

The applicant has made the following amendments to the proposal as a result:
• Reduction in solid timber screening along the southern elevation from 2.0 metres to 1.5 metres in height; and
• A section of the screen has also been replaced with vegetation;

7.3 Referrals

7.3.1 Internal

The proposal was referred to Council's Project and Development Engineer to provide commentary in relation to stormwater management and access. Concerns related to access and stormwater were raised.

As a result, an amended stormwater management plan and turning templates were provided by the applicant to address the concerns.

Copy of the original Engineering comments are contained within Attachment C.

7.3.2 External

As a result of the access for the new dwelling being located on an arterial road (Belair Road), and the proposal was considered to change the nature of movement through an existing access the application was referred to the Commissioner of Highways to provide comment on the proposal.

It has been advised that the Department of Planning, Transport and Infrastructure support the design in-principle subject to suggested conditions of approval.

A copy of the Department’s advice is contained within Attachment D.

8. Key Issues

Key Development Statistics

<table>
<thead>
<tr>
<th>DESIRED CHARACTER</th>
<th>REQUIREMENT</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>New development should preserve and reinforce environmental qualities by avoiding interference with drainage lines and creeks, remnant vegetation and minimising alteration to the natural ground levels.</td>
<td>Reasonably Complies</td>
<td></td>
</tr>
<tr>
<td>SITE AREA</td>
<td>Detached (1:8 to 1:4) Site Area (900m²)</td>
<td>Existing</td>
</tr>
<tr>
<td>MINIMUM WIDTH</td>
<td>Detached (1:8 to 1:4) (15m)</td>
<td>Existing</td>
</tr>
<tr>
<td>DEPTH</td>
<td>N/A</td>
<td>Existing</td>
</tr>
<tr>
<td>SITE COVERAGE</td>
<td>N/A in Residential (Foothills) Zone</td>
<td>Complies</td>
</tr>
</tbody>
</table>
The following matters are considered pertinent in reaching a recommendation for the proposal:

- Whether the design and siting of the building is appropriate in terms of:
  - Architectural Design;
  - Height;
  - Bulk and Scale; and
  - Impacts to Privacy
- Whether the proposed access and parking arrangements are appropriate for the site; and
- Whether stormwater is appropriately managed on site.

9. 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 Built Form

9.2.1 Architectural Design

The proposed dwelling exhibits a high quality, modern design that presents as a series of boxes across three levels and is to some degree stepped.
down to address the natural gradient of the land. The dwelling will be constructed with a variety of materials with vertical and horizontal elements that articulate the façade as to add visual interest. While the proposal involves a multi-level design, due to the natural gradient of the land the dwelling has only a two-storey street presentation when viewed from the road frontage.

The external walls of the dwelling will be constructed with a variety of materials to provide articulation and visual interest to minimise the bulk of the dwelling when viewed from the streetscape and adjoining land. A schedule of colours indicated on the elevation plan comprise natural tones that will blend appropriately with the green and brown hues evident in this area of the foothills and is considered to be appropriate in the context of other development within the locality.

9.2.2 Height of Dwelling

Council Wide Principle 67 prescribes a maximum height of 8.0 metres for dwellings and stipulates that they should be no more than two storeys. At the highest point, the dwelling is 11 metres above ground level which is a significant departure from the Council Wide requirements. It is noted that the height of the building ranges from 5.5 metres to its highest point and on average maintains an average height of 8.1 metres.

In consideration of this aspect it is important to note that this height has been considered in context of the immediate site which depict the adjacent dwelling to the south, also three storeys (constructed to the boundary), with a two-storey element addressing Belair Road. Importantly, the highest point of the proposal is located towards rear at a steep part of the allotment and incorporates substantial rear setback of 24.3 metres.

The height of the building is equivalent to that of the adjacent three-storey dwelling to the south and works reasonably effectively with the slope of the land. It incorporates a low roof form, high level of architectural design and effective shading of the building from balcony roofs. When viewed from the west, the buildings bulk and scale is neither uncharacteristic for the locality nor unreasonable when viewed from adjacent sites. As such, the proposal is considered to be sufficiently consistent with the development intent of Council Wide Principle 67 irrespective of the higher built form.

9.2.3 Bulk and Scale of the Dwelling

Council Wide Principle of Development Control 60 nominates that buildings should be setback with respect to property boundaries so as to:

a. Maintain the amenity of adjoining dwellings in terms of noise, privacy and sunlight;
b. Provide adequate levels of daylight to habitable rooms within the dwellings;
c. Minimise the impact of bulk and scale of development on adjoining properties;
d. Create space between buildings for landscaping, maintain the character of the locality;
e. Provide reasonable outdoor access between the front and rear yard of dwellings;

f. Provide adequate space to maintain areas between buildings and property boundaries in a clean, safe and healthy condition; and

g. Minimise impacts of overlooking from upper storeys of dwellings.

Given the overall height of the building and its proximity to the southern boundary the bulk and scale of the dwelling is a primary consideration in the assessment of the proposal and whether it presents an unreasonable impact to the adjoining property located at 320b Belair Road.

The subject land presents some unique challenges; in particular how a future dwelling design must cater for the existing visual bulk that the neighbouring dwelling at 320b Belair Road imposes on the subject land. This existing dwelling essentially presents as a three-storey wall constructed to the boundary shared between the dwellings. The proposed design response to construct within close proximity to the southern boundary is considered reasonable in this instance.

Whilst the proposed dwelling significantly departs from the vertical building envelope prescribed by Fig R/1 the impacts of this departure is considered appropriate for the following reasons:

- The dwelling has been designed not to exceed the height of the neighbouring dwelling to the north;
- The rear portion of the dwelling that extends 6.5 metres past the rear of the adjoining dwelling has been designed to be open and visually permeable;
Amendments have been made to the proposed privacy screening to reduce its visual impact. The reduction in height and the incorporation of the vegetation screen is considered to reduce the visual impact on the adjoining dwelling; and

Whilst the proposal will overshadow the northern elevation of the adjoining dwelling this is largely unavoidable in this instance as a result of the existing boundary construction.

The owner of the adjoining property at 320b Belair Road lodged a representation noting concerns about the setback of the dwelling from the boundary and the potential impacts of the bulk and scale of the building. It is noted that the occupiers of 320b Belair Road have had the benefit of unimpeded views to the north and west for a number of years. Similarly, the existing dwelling at 320a Belair Road has benefited from the space around the building as a result of the undeveloped allotment. The existing dwelling is constructed to its northern boundary with limited windows (apart from glass blocks) and an open verandah at the rear. It is acknowledged that there will be impacts to this neighbour, however any dwelling constructed on the subject land will have an impact in relation to obstruction of views, overshadowing to the neighbour's northern wall and proximity to a new building. As a result of the steep topography of the subject land, difficulty in access and location of easement, this is considered largely unavoidable. The impacts are therefore considered reasonable in this instance.

Figure 3 - View from the backyard of the adjoining property at 320b Belair Road Lynton
9.2.3 Privacy

Given the very steep topography of the land, the northern and western elevations of the proposal will be provided with access to expansive views across the Adelaide Plains and some incidental views into the rear yard of the adjacent dwellings to the north and south. Due to the steep topography of the land, this overlooking is unavoidable and generally characteristic in the locality. Council Wide Principle 61 considers the protection of privacy for adjacent dwellings and stipulates that ‘a setback of at least eight meters is to be provided between dwellings where windows or balconies of living areas face each other and there is no fence or screen wall between the dwellings’.

Further, no upper-storey windows or balconies are to ‘directly’ overlook the private open space of an adjoining property. Importantly, dense landscaping is located along the northern elevation of the proposal, located on both the subject site and adjacent site to the north. As such, due to the orientation of the proposal and the screening attributes of the existing landscaping, overlooking to both the north and south will be limited to the western section of the adjacent rear yards. Overlooking in these directions will be over a distance greater than eight metres and will be on an angle, resulting in overlooking that will not be ‘direct’ given the relevant separation distances, adequately protecting the main sections of useable private open space.

As such, overlooking is considered incidental and in keeping with the character of the locality given the very steep topography and consistent with the development intent of Council Wide Principle 61.

9.3 Access and Parking

The proposal includes a double garage to be incorporated within the main roof of the dwelling that will provide off street parking for two vehicles and therefore satisfies the requirements of Council-wide Principle 62. The proposal also provides for a visitor car park to be located adjacent to the double garage. Vehicular access to the site will be provided via an existing access point to Belair Road. This access point is currently used by the adjoining property to the south (320B Belair Road), with this property having rights of way over a portion of the land to the south.

As previously noted, the application was referred to DPTI to provide comment on the proposed access for the dwelling. DPTI are supportive of the shared access point provided. The proposed access is wide enough to cater for simultaneous two-way vehicle movements. Turning templates prepared by a traffic engineer were provided by the applicant at the request of Council that demonstrates there is sufficient reversing area to enable vehicles to exit the property in a forward direction.

As a result of the formalised rights of way that exist over the driveway area, Council’s engineer suggested that there should be delineation within the driveway to ensure that two-way vehicle movements are reasonably maintained. The concern being that there may be conflicts within the driveway as a result of the shared access arrangement. The applicant has indicated that it is not their
preference for this to be included within the driveway design and it is not explicitly required by the Development Plan requirements or an Australian Standard. If considered appropriate by the Panel, this could be included in a condition of approval to be shown on the site plan prior to Development Approval being issued. The conditions of approval suggested by DPTI have been included within the suite of proposed conditions.

As a result of the information provided, the applicant has demonstrated that safe and convenient vehicle access and parking on the site is reasonably achieved. The concerns of the representor in relation to access has also been appropriately addressed.

9.4 On-site Management of Stormwater

Stormwater runoff from roof and impervious surfaces is to be gravity fed stormwater system with stormwater overflow to be pumped to Belair Road. With the absence of a rear stormwater easement, this is the only practical stormwater management system available.

Council’s Engineering department had previously raised concerns about the use of a soakage trench on site and the capacity of the stormwater retention/detention tanks provided. Stormwater was required to be pumped back to Belair Road. As a result the applicant has increased the onsite storage capacity to alleviate the amount of stormwater being directed to Belair Road. The rainwater tank would provide 12,000 litres of retention and 10,000 litres detention on site.

The overflow will be directed back to Belair Road via a sump and pump system. This accords with Council’s standard stormwater drainage requirements and has been supported by Council’s Development Officer - Engineer.

10. Conclusion

Whilst the building exceeds the Development plan maximum height requirement of eight metres, this vertical element is appropriately addressed through the buildings high level of architectural design, and a design response that accounts for the steep gradient of the site. The dwelling is considered consistent with the bulk and scale with existing dwellings within the locality, particularly in regard to the adjoining three-storey building constructed to the shared boundary on the neighbouring site.

Whilst a portion of the building will extend past the building setback line of the neighbouring property, the applicant has demonstrated that this will not present an unreasonable visual impact nor one that results in an unreasonable loss of privacy.

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 warrants Development Plan Consent, subject to Conditions of Approval.
11. Recommendation

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

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

GRANTS Development Plan Consent to the application by Janis Semets to Construct a Multi-level detached dwelling, comprising a double garage with a partially suspended driveway, swimming pool and safety fence at 320a Belair Road LYNTON, as detailed in Development Application No. 080/1637/18 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. 080/1637/18 and in particular plans:

Jan Semets Design
- Survey plan - Drawing No: 18.143 DA.02 – Issue A – Dated: 7 December 2018;
- Proposed Lower Floor Plan: Drawing No: 18.143 DA.05 – Issue A – Dated: 7 December 2018;
- Proposed Site/Studio Floor Plan: Drawing No: 18.143 DA.06 – Issue A – Dated: 7 December 2018;
- Proposed Elevations: Drawing No: 18.143 DA.08 – Issue B – Dated: 11 June 2019; and

Phil Weaver & Associates
- Visitor Space B85 Entry Movement: Ref 19-086 – Dated 03/05/19
- Northern Garage Space B85 Entry Movement: Ref 19-086 – Dated 03/05/19
- Southern Garage Space B85 Entry Movement: Ref 19-086 – Dated 03/05/19
- Visitor Space B85 Exit Movement: Ref 19-086 – Dated 03/05/19
- Northern Garage Space B85 Exit Movement: Ref 19-086 – Dated 03/05/19
- Southern Garage Space B85 Exit Movement: Ref 19-086 – Dated 03/05/19
Intrax Engineering Plans

- Site and Drainage Plan – Ground Floor – Reference No 74614 – Drawing No C01 – Revision C – Dated 08/05/19
- Site and Drainage Plan – Lower Floor 1 – Reference No 74614 – Drawing No C02 – Revision C – Dated 08/05/19
- Site and Drainage Plan – Lower Floor 2 – Reference No 74614 – Drawing No C03 – Revision C – Dated 08/05/19
- Civil Details – Reference No 74614 – Drawing No C04 – Revision C – Dated 08/05/19
- Civil Computation – Reference No 74614 – Dated 27/02/2019

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

2) The proposed landscaping must be established on site in accordance with the approved plans within three (3) months of occupation of the development and must be maintained in good condition at all times to the satisfaction of Council. Any such landscaping must be replaced if it dies or becomes seriously diseased.

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

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

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

4) 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

5) The stormwater sump and pump must be fitted with an external power plug to enable alternative power supply in the case of emergencies to the satisfaction of Council.

Reason: To provide adequate alternative power supply for sump and pump system at all times of extensive power failures etc
6) All earthworks associated with the development must be stabilized in accordance with standard engineering design practices against erosion and failure.

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

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

7) 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

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

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

9) All vehicular access to/from this development shall be gained via Belair Road in general accordance with the Proposed Site and Drainage Plan produced by Intrax, Reference No. 74614, dated May 2019. No additional direct vehicular access onto Belair Road shall be permitted.

*Reason:* To ensure safe and convenient access

10) All vehicles must enter and exit Belair Road in a forward direction.

*Reason:* To ensure safe and convenient access

11) All on-site vehicle manoeuvring areas shall remain clear of any impediments (including parked vehicles, utility meters, letterboxes and vegetation)

*Reason:* To ensure safe and convenient access

12) Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Belair Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant’s expense.

*Reason:* To ensure the discharge of stormwater from the site does not cause a traffic hazard to motorists

**Advisory Notes:**

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

Attachments:

A. CT and Final Plans
B. Representation and Applicant's Response to Representation
C. Internal Referrals
D. External Referrals
Certificate of Title - Volume 5913 Folio 964

Parent Title(s) CT 5434/209
Creating Dealing(s) TG 9778590
Title Issued 31/03/2004
Edition 7
Edition Issued 15/05/2018

Estate Type
FEE SIMPLE

Registered Proprietor
NATALIE CLAUDINE QUICI
JULIAN SCOTT MCCARTHY
OF 47 WYATT ROAD BURNSIDE SA 5066
AS JOINT TENANTS

Description of Land
ALLOTMENT 147 FILED PLAN 20963
IN THE AREA NAMED LYNTON
HUNDRED OF ADELAIDE

Easements
SUBJECT TO EASEMENT(S) OVER THE LAND MARKED D AND A TO THE MINISTER FOR INFRASTRUCTURE (T 2265401 AND TG 6706731 RESPECTIVELY)
SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED Y
TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED Z

Schedule of Dealings
Dealing Number 12916654
Description MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD. (ACN: 005 357 522)

Notations
Deals Affecting Title NIL
Priority Notices NIL
Notations on Plan NIL
Registrar-General’s Notes NIL
Administrative Interests NIL
FIGURE 2: NORTHERN GARAGE SPACE B85 ENTRY MOVEMENT

PHIL WEAVER & ASSOCIATES
TRAFFIC ENGINEERING CONSULTANTS

For:Jamie Somers Design
Date:03/05/19
Address:50A Belair Road, Lynton
REF:18-086
DATE:03/05/19
P:68827719
E:mail@philweaver.com.au

1:150 @ A4
FIGURE 3: SOUTHERN GARAGE SPACE B85 ENTRY MOVEMENT

PHIL WEAVER & ASSOCIATES
TRAFFIC ENGINEERING CONSULTANTS

For: Jami SieBELDES Design
REF. 19-086
DATE. 03/06/19
Address: 30a Bellar Road, Lysaght

204 Young Street
UNLEY SA 5061
P: 68 82 71 90 99
E: mail@philweaver.com.au

1:150 @ A4

ITEM 8.1 - ATTACHMENT A
FIGURE 4: VISITOR SPACE B85 EXIT MOVEMENT

PHIL WEAVER & ASSOCIATES
TRAFFIC ENGINEERING CONSULTANTS
FIGURE 5: NORTHERN GARAGE SPACE B85 EXIT MOVEMENT

PHIL WEAVER & ASSOCIATES
TRAFFIC ENGINEERING CONSULTANTS

For: Jamie Semets Design
REF: 18-086
DATE: 03/06/19
Address: 50a Bellar Road, Lynden
DWG BY: AH
CHK BY: PW

204 Young Street
UNLEY SA 5061
P: 6882/11 9260
E: mail@philweaver.com.au
FIGURE 6: SOUTHERN GARAGE SPACE B85 EXIT MOVEMENT

PHIL WEAVER & ASSOCIATES
TRAFFIC ENGINEERING CONSULTANTS

For: Jamie Somers Design
REF 18-086
DATE 03/06/19
Address: 50a Belair Road, Lynton

204 Young Street
UNLEY SA 5061
P: 68 8271 9299
Email: phil@philweaver.com.au
NOTE:
1. "C" denotes riser and screw on inspection cap at finish surface level or cleaning eye in downpipe for ridge and / or flushing purposes at "dead end" branches.
2. Stormwater pipes to have a min fall of 0.5% TIN 001.
3. Do not use sealed sheet metal downpipes or fittings with a pressurised system.
4. Sealed system to be constructed to pressure LIR standard (Solvent welded joints for PVC pipes) static tested before backfilling.
5. Flushing and maintenance is the responsibility of the owner.

COUNCIL ASSESSMENT PANEL
AGENDA
4 JULY 2019
ITEM 8.1 - ATTACHMENT A
CIVIL COMPUTATION

DATE: 27/02/2019

JOB NUMBER: 74514

PROPOSED: Proposed New Residence

SITE ADDRESS: No. 320A Belair Road, Lynton

CLIENT: Julian McCarthy & Natalie Quici

INTRAX CONTACT: Anthony Nguyen
Confidentiality

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Direct Contact

Any questions or queries regarding this report should be directed to Anthony Nguyen from the Civil Department on (08) 8165 0122 or anthony.nguyen@intrax.com.au

Document Template


Document Revision History

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<th>Comments</th>
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<td>Anthony Nguyen</td>
<td></td>
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<tr>
<td>8/05/2019</td>
<td>C</td>
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### PUMP & SUMP STORAGE CHAMBER COMPUTATIONS

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1.1 Required storage \( (V) \) for selected storm events (with pump in operation)

Nominate a pump rate = 3.0 l/s

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Required storage \( (V) \) = 9816 litres

1.2 Required storage \( (V_o) \) with pump not in operation

Design storm 4.48 ARI 4 hr (selected ARI)

Rainfall intensity \( (I) \) = 8.03 mm/hr

Required storage \( (V_o) \) = 7468 litres

1.3 Summary

Design pump rate: 3.0 l/s

Required storage = max\( (V, V_o) \) = 9816 litres

Orifice diameter = 35 mm

\[
Q_{ori} = A_{ori} C_d \sqrt{2gH} = 2.77 \text{ l/s}
\]

where \( C_d = 0.65 \) and \( H = 1.00 \).
BOX GUTTER CALCULATIONS

Depth 0.12 m  
Width 0.30 m  
Freeboard 0.03 m  

1. Design flow in gutter

\[ Q = \frac{1}{n} AR^{0.67} S^{0.5} = 12.6 \text{ l/s} \]

where:  
\[ A = 0.027 \]
\[ P = 0.480 \]
\[ R = A/P = 0.056 \]
\[ n = 0.022 \] (metal)
\[ S = 0.005 \text{ m/m} \] (eqv. 1:200)

Also,

\[ Q = \frac{CIA}{3600} = 12.6 \text{ l/s} \]

where:  
\[ C = 0.9 \]
\[ I = 200 \text{ mm/hr} \] (Q100, 5 minutes storm)

Therefore, maximum roof area:

\[ A = 252 \text{ m}^2 \]

Actual maximum roof area:

\[ A = 135 \text{ m}^2 : \text{ adopt } 0.3W \times 0.12D \text{ m gutter} \]
\[ Q = 6.8 \text{ l/s : use } 90\text{mm PVC downpipe} \]

2. Check water level above inlet

\[ h = \frac{kV^2}{2g} = 0.143 \text{ m} \]

where:  
\[ \text{dp dia.} = 0.09 \text{ m} \]
\[ A = 0.0064 \text{ m}^2 \]
\[ V = Q/A = 1.06 \text{ m/s} \]
\[ k = 2.5 \]

\[ h + \text{freeboard} = 0.173 \text{ m} : \text{ok} \]

Provide: 0.30 sq \times 0.08 deep sump
LARGEST ROOF 135m²
(FOR GUTTER CALCULATIONS)

CATCHMENT FOR
RAINWATER TANK
CALCULATIONS
= 550m²
(TOTAL ROOF ≥ 240m²)
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: Cassia Byrne – 8372 8891

Development No: 080/1637/18 - 320A Belair Road LYNTON SA 5062
Closes: 5.00PM – 15 April 2019

Your details
Mr T M Thomas
320B Belair Road
LYNTON SA 5062

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

Email: trevor.thomas@nilfisk.com Daytime Phone: 0419 468 606

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:

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

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

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)(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: J L
DATE: 14-4-2019
320A Belair Road Lynton

- Ability to safely turn our vehicles around in the driveway and not be forced to reverse onto Belair road. The proposed plans show a considerable part of the driveway being built upon and we would request a site inspection by Mitcham council to verify the ability to access and exit onto Belair road without restriction or compromise of safety.

- Where does 320A intend to park cars of visiting guest and what impact will that make to our ability to safely enter and exit from our property.

- Distance between our existing dwelling and the proposed dwelling could not be ascertained clearly from the plans clearly, please advise.

- No soil samples have been taken to date for 320A to determine what “Rock Breaking” is potentially required for building foundations and proposed swimming pool. Any rock breaking or any excavation close to the proximity to our existing dwelling and in ground concrete pool could compromise the integrity of our dwelling and pool and require further details regarding this.

- We are unclear from the proposed plans of what privacy and city views from our dwelling will be compromised and request further details regarding this.
17/06/2019

Cassia Byrne  
Senior Planner  
The City of Mitcham  

By email: obyme@mitchamcouncil.sa.gov.au

Dear Cassia,

Response to representations for development application 080/1637/18 – 320A Belair Road LYNTON SA 5062

1.0 Introduction

Adelaide Planning and Development Solutions (APDS) have been engaged by the applicant to provide a response to the representation received following the Category 2 public notification.

In preparing this response, I confirm that I have visited the subject land and locality, had regard to the representations and the Mitcham Council Development Plan.

This response should be considered in addition to amended plans provided to Council which in our opinion addresses the matters raised by the adjoining land owner to the south of the subject land.

Note, the plans have been amended to reduce the overall bulk and scale of the proposal when viewed from the adjoining property in accordance with discussions with the adjoining land owner and council administration after the public consultation period.

The following response will address the matters raised in the representation below.

For the reasons I will detail below, I am of the view that the amendments to the original approval results in a development which warrants Development Plan Consent.
2.0 Representation

One representation was received during the public notification period. The representor wishes to be heard by the Council Assessment Panel in support of their representation.

The table provides details of the name of the representor, their address, whether they wish to be heard and whether they are in favour of the proposal or not.

<table>
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<th>Name of Representor</th>
<th>Address of representor</th>
<th>Wishes to be heard by CAP</th>
<th>Supportive or not of proposal</th>
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<td>Trevor Thomas</td>
<td>320 Belair Road, Lynton</td>
<td>Yes</td>
<td>No</td>
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3.0 Consideration of representations

Having reviewed the representation, the concerns raised in the representation specifically relate to:

- Access and vehicle movements
- Guest parking
- Conformation of distances of the proposal from adjoining development at 320 Belair Road
- Impacts of any future rock breaking
- Loss of privacy and views

Further to an onsite meeting with the applicant, the neighbours advised that they were also concerned with the visual bulk and scale of the proposal when viewed from their rear yard.

We respond accordingly:

**Access and vehicle movements**

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<tr>
<td>PDC 22</td>
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- Driveways should provide safe and convenient access to and from the site and be located so as not to create a low impact on adjoining residential properties. In particular, driveways should be in accord with the following requirements:
(a) Driveway access to any building should have a maximum gradient of 1-in-5; a driveway with a gradient exceeding 1-in-5 should be considered only if designed by a chartered professional engineer.

Turning figures have been provided by Phil Weaver and Associates which demonstrate that 88S design vehicles can appropriately enter and exit the site to/from all three on-site car parking spaces in a forward direction as is typically required by DPTI for developments located on arterial roads.

Given the location of the site, it is assumed that the majority of movements would be to and from the north, which has been reflected by the turning path diagrams.

The front portion of the site contains a free and unrestricted right of way which will not be impacted by the proposal and will maintain access/egress for the dwelling at 320 Belair Road.

**Guest parking**

<table>
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Adequate onsite parking should be provided to meet the needs of residents and visitors and not create a requirement for on-street parking that would create a danger to the free flow of traffic or cause nuisance to nearby properties.

2 spaces are required

(d) Design Standard

Car parking areas are to be designed in accordance with Australian Standard 2890.1 or subsequent amendment.

The proposal provides parking spaces for 2 vehicles within the garage and an additional space on the deck. Further parking can occur to the front of the garages. The proposal will provide safe and convenient access to and from the site, and the dwelling has been positioned minimising any impact on adjoining residential properties. The proposal provides sufficient area for cars to enter and exit in a forward manner in accordance with the comments from DPTI as per the comments above. The proposed access to the site also provides an appropriate gradient and has been designed in accordance with Australian Standard 2890.1.
Conformation of distances of the proposal from adjoining development at 320 Belair Road.

As shown on the plans, the southern wall of the building will be setback 1.1 metres from the development on the common boundary.

In relation to the steps between the proposed dwelling and the adjoining dwelling to the south, I note the following -

- Working with natural ground level and not fixing anything to the
- The existing topography/groundline will remain largely the same.
- The stair & landing would consist of prefabricated steel stringers & precast concrete steps treads.
- This stair proposal would be assembled above the natural ground levels.
- The stair would be self-supporting & not fixed to the neighbouring residence.
- Some gentle shaping of the surface may be required to install the paving & then more steps as dictated by the fall of the land as per the image below.

Impacts of any future rock breaking

In relation to the construction of the dwelling and the potential impacts to the adjoining dwelling as a result of any rock breaking, I note the following:

The designer has discussed this aspect with the structural engineer for the project and the engineer is comfortable that the proposal will not impact on the adjoining property from a structural integrity / engineering point of view as a result of the construction of the dwelling.

All construction works will be undertaken in accordance with Australian standards and best practice building / engineering requirements. The volume of rock removal in this instance is not anticipated to be significant given the design of the lower levels of the building which follow the natural contours of the land as much as possible - the lower levels will set away from the adjoining dwelling and battered away from the adjoining dwelling. The anticipated volume of rock removal in this instance is not considered to be significant given preliminary tests of the site and prior to construction, we are happy.
for a building dilapidation inspection of the adjoining dwelling to be undertaken to ensure that the neighbouring dwelling is not impacted by the proposal, and should any impacts result from the construction, then there is evidence of pre vs post construction assessment.

Loss of privacy and views

The proposal has been amended to reduce the size of the screen of the southern boundary to the outdoor area which will allow for views through to the city from the dwelling to the south whilst providing screening to the balcony with a 1.5 metre high solid screen and vegetation as shown in the image below. The lightweight design of the verandah to the deck area in addition to the screen will allow visual permeability through to the city. Further, the proposal will not impact on views afforded to the balcony to the west to the sea.

The proposal will result in a balance between maintaining some views to the north from the adjoining property to the south, whilst ensuring privacy for the proposed dwelling. It should be noted that the majority of the balconies in the immediate locality are open in nature and given the topography of the land, there is a degree of overlooking into adjoining properties. It is considered that the proposal has been designed to minimise direct overlooking whilst allowing / maintaining views to the north and west.
Visual bulk and scale of the proposal when viewed from rear yard of 320 Belair Road.

In relation to the visual bulk of the proposal, the proposal has been amended reducing the height of the solid timber screening from 2 metres to 1.5 metres in height and proposes replacing a section of solid screening replacing this with screening in the form of vegetation. In order to appreciate the extent of the bulk and scale of the proposal, the building designer has provided an image which shows the extent of built form which will be visible from the adjoining rear yard to the south.

The rear portion of the proposed dwelling will extend 6.5 metres past the rear of the dwelling given the small building footprint of the dwelling at 320B Belair Road. The design of the proposed dwelling on the subject land is limited in the extent of building area given the easements and rights of way which run through the site.

The white area in the image above shows the extent of the existing building at 320B Belair Road and the proposed building outline which extends to the west from the edge of the adjoining dwelling to the south.

The visual bulk of the proposal has been significantly reduced with the inclusion of vegetation screening rather than a solid 2 metre high timber screen and a reduction in the height of the solid screening to allow visual permeability through the building. Further, the existing boundary fencing will further reduce the extent of built form when viewed from the adjoining property. The proposal will result in an acceptable impact in terms of loss of light and outlook on the adjoining property to the south, whilst ensuring that the proposed dwelling maximises the limited building space given the easements over the site.
It should be noted that the proposal results in a much less bulky form and scale when compared with the dwelling at 3208 Belair Road which has a 10.5 metre wall which sits on the common boundary wall which results in a large blank façade on the common boundary with no boundary setback. The proposed building has provided a setback and design which ensures the visual impact of the adjoining dwelling does not detrimentally impact on the amenity of the future residents of the proposed dwelling in terms of loss of light and outlook.

Further, there are no consistent building and allotment patterns within the immediate or wider locality given the sloping nature of the allotments resulting in dwellings with a range of building setbacks to front side and rear boundaries including the dwelling to the south of 3208 Belair Road which has a similar length of building when compared with the proposed dwelling. The adjoining dwelling to the south of the subject land has not been designed to follow the natural contours of the land and results in a built form which when based on the current development plan provisions would not likely be supported.

We contend that the proposed design on the site has been carefully considered in the context of the difficult site with a number of constraints (including easements, rights of ways, sloping land and development which abuts the common property on the southern boundary), to ensure the proposed dwelling presents to the street as a contemporary building which follows the natural topography of the land resulting in an acceptable impact on the amenity of the adjoining properties.

4.0 Conclusion

For the above reasons and based on the amended plans provided, the proposal in our opinion represents a desirable development expressly sought by the requirements of the Residential Foothills Zone provisions of the Mitcham Council Development Plan and the unique circumstances of the subject land and locality.

It is considered that the proposal satisfies the intent of the Desired Character Statement and Objectives of the Residential Foothills Zone in that:

- The proposal for a detached which will provide a form of development which maintains the amenity of the adjoining residential properties in the immediate locality.
- The proposal will ensure the impacts in terms of over-seeing, loss of light and noise impacts are appropriately managed through the design of the built form in accordance with the general section provisions of the Development Plan.
- The proposal provides a dwelling on an existing vacant allotment which has access to all services including power, water, gas, electricity, telephone and is accessed from Belair Road which is sealed access road.
The proposal will maintain the existing allotment pattern with a range of setbacks in the locality and proposes a dwelling which will sit comfortably on the existing allotment matching the dwelling designs of adjoining properties which maximise the use of the natural sloping topography.

The proposal maintains the overall low-density and highly landscaped character maintaining the high open space to built-form ratio envisaged by the Development Plan.

The proposal does not intend to remove any significant vegetation on the site and will maintain the open natural character of the locality particularly the open design of the upper storey level which will allow views to the Adelaide Plains when viewed from Belair Road.

The proposal has been designed to follow the natural topography and contours of the land and will have minimal visual and environmental impact.

The building setbacks proposed result in a dwelling which sits comfortably on the site which will minimise impacts on adjoining properties in terms of loss of light and outlook and will minimise the impact of bulk and scale of development on adjoining properties. Further the proposed setbacks from boundaries will minimise the potential for nuisance from noise between dwellings.

For the reasons contained within this response, the proposed development satisfies the intent of the requirements of the Development Plan in relation to the issues raised by the representatives. Therefore, I contend that the proposal represents an appropriate form of development and warrants support.

Please confirm when this proposal will be considered by the Council Assessment Panel and the date and time of the meeting. A representative shall attend at this meeting in support of the proposal.

Should you have any queries or require any further information or clarification with any components of this response, please do not hesitate to contact by contacting me by email at mark@adelaideplanning.com.au

Yours Sincerely,

Mark Kwiatkowski MPIA CPP
Director/Urban and Regional Planner
Adelaide Planning & Development Solutions Pty Ltd - Town Planning Specialists - Planning Private Certifiers
MEMORANDUM

TO: Cassia Byrne
FROM: Mark Swanbury
RE: DEVELOPMENT APPLICATION 080/1637/18 FOR JANIS SEMETS TO MERIT AT 320A BELAIR ROAD LYNTON SA 5062
DATE: 17 April 2019

I take this opportunity to provide the following comments following a review of the plans provided for the previously mentioned development application.

Firstly, the Certificate of Title only indicates a listing of transfer and mortgages for the property in question and does not provide a site plan clearly indicating the dimensions of the allotment nor does it include easements and or rights of way.

- The applicant is to provide an accurate Certificate of Title clearly indicating the site dimensions, easements and right of ways over the allotment.

FFL
The nominated FFL as indicated on Intrax Consulting Engineers – Site and Drainage Plan no. 74814 C01 – C03 Rev. B dated 27 February 2019 had been checked against the natural surface levels of the allotment.

Please note that although the nominated levels are sympathetic to the natural surface levels for the site, scales on the plans provided do not appear to be correct.

- The applicant is to verify that the plans provided as part of this development application are correct with respect to the nominated plan scales.

Driveway
The driveway access / egress is existing and has been made wide enough to cater for simultaneous two way vehicle movements directly to and from Belair Road (arterial road under the care and control of Dept. Planning, Transport & Infrastructure).

Existing vehicle movements are limited to only 320B Belair Road currently of which with the impending new dwelling at 320A Belair Road, there needs to be a clear delineation within the driveway to ensure that simultaneous two-way vehicle movements and safe and convenient vehicle movements can be accommodated.

- The driveway crossover is to be constructed and sealed with bound material (asphalt, pavers or concrete) connecting with Belair Road, providing both structural integrity and traction in both wet and dry conditions and clearly indicated on the site plan.
- Upon the driveway crossover be constructed and sealed with bound material, a clear delineation in the form of line marking or similar is to be installed and clearly indicated on the site plan.
- Vehicle turning templates are to be provided on-site clearly demonstrating sufficient reversing area to enable vehicles to exit the property in a forward direction.
Drainage

The proposed stormwater management for this development is particularly difficult given that it is located on the low side of Belair Road with no existing stormwater easements, watercourse etc.

I note the proposed installation of a 13,500 litre stormwater retention / detention tank for this site of which for allotments greater than 1,500 m² the City of Mitcham require the following minimum stormwater retention / detention requirements:-

- Developments of 1,500 m² are required to install the following stormwater retention / detention method of stormwater management as follows:-
  - 12,000 litre capacity Rainwater Harvest (Retention) Tank reticulated to the dwelling toilet, laundry or the hot water system,
  - 10,000 litre Stormwater Retention Storage,

Intrax Consulting Engineers proposed stormwater runoff surrounding the dwelling and overflow from tanks to be discharged to a rear allotment soakage trench.

Council is not supportive of soakage trenches in residential built up areas particularly in close proximity to neighbouring dwellings on steep sloping land such as this allotment and in clay soils within the City of Mitcham being predominant.

Stormwater management therefore would require either significantly increasing stormwater storage and reuse on-site to minimise discharge overflow, negotiating a stormwater easement through lower property owners land or pumping stormwater back to Belair Road.

Taking into consideration the existing camber of the Belair Road pavement, no existing kerbing and the requirement to ensure stormwater does not sheet across the road and cause a road hazard, stormwater discharge to Belair Road would need to connect directly to the existing underground stormwater pipe system.

- An amended stormwater management plan to be provided back to Council taking into consideration Council requirements as indicated in the memo dated 17 April 2019.

Regards

[Signature]

Mark Swanbury

Project & Development Engineer
In reply please quote 2019/00331, Process ID: 570639
Enquiries to Mr Daniel Sladic
Telephone 7109 7872
E-mail dpti.luc@sa.gov.au

April 2019

Cassia Byrne
City of Mitcham
PO Box 21
Mitcham Shopping Centre
TORRENS PARK SA 5062

Dear Ms Byrne

SCHEDULE 8 - REFERRAL RESPONSE

<table>
<thead>
<tr>
<th>Development No.</th>
<th>080/1637/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Janis Semets</td>
</tr>
<tr>
<td>Location</td>
<td>320A Belair Road, Lynton</td>
</tr>
<tr>
<td>Proposal</td>
<td>Proposed three storey detached dwelling</td>
</tr>
</tbody>
</table>

I refer to the above development application forwarded to the Commissioner of Highways (CoH) in accordance with Section 37 of the Development Act 1993. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4)(b) of the Development Act 1993 and Schedule 8 of the Development Regulations 2008.

CONSIDERATION

The subject site abuts Belair Road, an arterial road under the care, control and management of the Department of Planning, Transport and Infrastructure (DPTI). Vehicular access is proposed to Belair Road via an existing means of access which is shared with the adjoining allotment via a right of way.

It is DPTI policy to minimise the number of access points on the arterial road network in the interests of road safety, therefore the use of the existing single access shared with the adjacent property is supported. The access should be a minimum of 6 metres wide at the Belair Road boundary to permit simultaneous two-way movements and incorporate a clear area of 6 x 6 metres inbound from the boundary to allow vehicles to store off-street while waiting for another vehicle to enter or exit the property.

It is also DPTI policy that vehicles should enter and exit arterial roads in a forward direction in the interest of road safety. DPTI is satisfied that sufficient on-site area is available in order for vehicles to achieve forward entry and exit to Belair Road from both the subject site and the adjacent property to the south. All on-site vehicle manoeuvring areas shall remain clear of any impediments (including parked vehicles, utility metres, letterboxes and vegetation).
ADVICE

The Department of Planning, Transport and Infrastructure does not object in-principle to the proposed development. The planning authority is advised to attach the following conditions to any approval:

1. All vehicular access to/from this development shall be gained via Belair Road in general accordance with the Proposed Site and Drainage Plan produced by Intrax, Reference No. 74614, dated February 2019. No additional direct vehicular access onto Belair Road shall be permitted.

2. All vehicles must enter and exit Belair Road in a forward direction.

3. All on-site vehicle manoeuvring areas shall remain clear of any impediments (including parked vehicles, utility meters, letterboxes and vegetation).

4. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Belair Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Yours sincerely

[Signature]

MANAGER, TRANSPORT ASSESSMENT AND POLICY REFORM
for COMMISSIONER OF HIGHWAYS
9. DEFERRED ITEMS (FROM PREVIOUS MEETING)

9.1 39 CROSS ROAD KINGSWOOD

1. Snapshot

<table>
<thead>
<tr>
<th>Author:</th>
<th>Bethany Andretzke</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal:</td>
<td>Demolition of all Existing Structures</td>
</tr>
<tr>
<td>Development Number:</td>
<td>080/0577/19</td>
</tr>
<tr>
<td>Date of Lodgement:</td>
<td>15/05/2019</td>
</tr>
<tr>
<td>Owner:</td>
<td>Ms S J Brown</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Stephanie Joy Brown</td>
</tr>
<tr>
<td>Location:</td>
<td>39 Cross Road KINGSWOOD SA 5062</td>
</tr>
<tr>
<td>Zone:</td>
<td>Residential (Central Plains) / Historic (Conservation) Policy Area 15</td>
</tr>
<tr>
<td>Application type:</td>
<td>Merit</td>
</tr>
<tr>
<td>Public Notification Category:</td>
<td>Category 2</td>
</tr>
<tr>
<td>Representations Received:</td>
<td>Yes – 1 support with concerns</td>
</tr>
</tbody>
</table>
| Internal Referrals: | Council Building Officer  
Local Heritage Consultant – Grieve Gillett Anderson |
| External Referrals: | Nil |
| Development Plan: | Consolidated 20 February 2018 |
| Delegation:       | Council Assessment Panel – 'Application was previously considered by CAP and deferred and is presented back for a decision' |
| Recommendation:   | To Grant Development Plan Consent subject to conditions |

2. Background

The proposal was considered at the Council Assessment Panel meeting in June 2019 at which time it was deferred for the following reason:

“…further consideration of this item pending the receipt of costings for the rehabilitation work, together with expert heritage advice concerning the heritage value of the dwelling. Staff may wish to supply the advice from the Council’s building department.”

A copy of the previous assessment and plans is contained within Attachment D.

3. Amended Documentation

In response to the reasons for deferral the applicant provided Council with a Structural Engineering report, and an estimate of costings outlining the extent of rehabilitation work required as a minimum. The key points from this addition information includes:

- The dwelling appears to be under stress and movement across the entire footings which support solid walls, with the engineer recommending that underpinning and footings works should ultimately be carried out across the whole the dwelling.
- The costing estimate has only considered the main underpinning work required, as the works ultimately required and outlined by the engineer would be cost prohibitive.
• The engineer (Jim Wilson) has inspected several dwellings along cross road and this house was displaying unique characteristics in the way it was under stress and cracking.

• While underpinning can assist in the effective lifespan of the dwelling, it ultimately will not save the dwelling, due to the ongoing issues.

• The costings do not account for the ongoing cost of repairs from the continued movement and stress on the dwelling.

• There are several aspects to the dwelling, such as the roof framing, that would need to be brought up to current standards.

The costings have been estimated at just over $500,000. While this figure could be brought down a little through things like the repair of the front verandah instead of its complete removal and replacement, the estimate is considered to be reasonable. It is also noted that the estimate does not include the entire structural repairs as recommended by the engineering report. The limited scope of structural repairs means that there will be added ongoing financial burden on the owner to maintain the issues of movement and ongoing stress on the dwelling.

The dwelling has been inspected by Council’s building department regarding the safety and structural soundness of the dwelling for occupation. This assessment is relatively consistent with the engineering report provided by the applicant, with both stating that the dwelling appeared to pose no immediate structural issue for occupant’s safety. However, the engineering report goes into greater detail, and was also further clarified by a subsequent e-mail from the owner outlining additional comments.

In addition to this, Council sought independent advice from a Local Heritage Consultant relating to an assessment of the architectural merit of the bungalow. This advice concluded that it was a reasonably intact California bungalow, which follows the typical design characteristics and style indicators expected. The bungalow is considered to retain a high degree of integrity when viewed from the street.

While the Policy Area’s Desired Character Statement and PDC 6 and 8 seek to maintain the integrity of the area through the retention of contributory items, this must be balanced against the individual circumstances of each item. In this instance the following aspects are pertinent in consideration of the application:

• The dwelling displays a high degree of integrity when viewed from the street, however it is noted that the overall design and installation of solar panels, lowers the level of character contribution that the dwelling makes, especially in comparison with the surrounding dwellings.

• The cost of the repair work is high, and while it is not without dispute, the works required are considered to be substantial and with the scope of works considered to be consistent with Policy Area PDC 8(a), in that the cost to ensure the dwelling is sound is excessive.

• The ongoing cost of maintaining the dwelling has not been factored in, but with the engineering report and subsequent comments by e-mail, considering that stress and structural issues will continue and a high cost burden.

• The engineer believes that the dwellings is displaying unique stress issues and structural issues for the area, with their opinion being that the dwelling will continue to have serious issues even with the rectification works.
• The removal of one contributory item, is not considered to be detrimental to maintaining the historic character of the area, with the proposal therefore considered not to be detrimental to the attainment of the Desired Character.

As have been previously mentioned in the preceding report presented to the Panel, Council’s former Local Heritage Architect undertook a site inspection and review of the engineering report. Her assessment and opinion was, that on balance the works required and cost to rectify the structural issues with the dwelling, outweighed the contribution that the dwelling made to the character of the area. This assessment had been made through a detailed site visit, and not just a desk top review.

Given the extent of policies that relate to any future replacement dwelling, the demolition of this contributory item is considered to have a low impact on the character of the area, given any replacement dwelling will be required to be designed and constructed in a way that will ensure a positive contribution is made. In is not without reason, to consider that in many circumstances, a replacement dwelling can provide as much contribution to the streetscape, as an existing historic dwelling that displays moderate character.

4. Conclusion

In addressing the Panel’s reasons for deferral the applicant provided Council with a Structural Engineering report identifying the costings for rehabilitation work, whilst Council sought advice from a Senior Building Officer and a Local Heritage Consultant.

It is considered that this additional information has further justified the proposed demolition of a contributory item. When considered on balance, the demolition of the contributory item is considered to remove an unreasonable cost burden for a dwelling that is considered to have limited contribution to the character of the area.

The applicant has reasonably justified that the dwelling meets the requirements of the Development Plan, in that the dwelling is considered to be unsound and also requires upgrading to meet the current standards, the cost of the works to make the dwelling sound is excessive, the ongoing cost associated with structural stress on the dwelling will be high, the dwelling provides reduced contribution to the character, and the demolition of the dwelling will not be detrimental to the attainment of the Desired Character.

On balance, it is considered that the circumstances that surround the subject land and its contributory item, warrant the issuing of Development Plan Consent for the proposal.

5. Recommendation

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

DETERMINES that the proposed development is not seriously at variance with the policies in the City of Mitcham Development Plan; and
GRANTS Development Plan Consent to the application by Stephanie Brown to demolish all existing structures at 39 Cross Road, Kingswood, as detailed in Development Application No. 080/0577/19 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. 080/0577/19 and more specifically the following plans:


Attachments:

A. Amended plans and documentation
B. Internal referral (Grieve Gillett Anderson)
C. Internal referral (Council Building Officer)
D. Previous Report from 6 June 2019 meeting
REGISTER SEARCH OF CERTIFICATE OF TITLE

COST : $25.00 (GST exempt )
REGION : EMAIL
AGENT : FL68P BOX NO : 000
SEARCHED ON : 14/03/2013 AT : 15:24:47

PARENT TITLE : CT 4341/178
AUTHORIZED : CONVERSION TITLE
DATE OF ISSUE : 06/05/1996
EDITION : 5

REGISTERED PROPRIETOR IN FEE SIMPLE
-------------------------
STEPHANIE JOY BROWN OF 39 CROSS ROAD KINGSWOOD SA 5062

DESCRIPTION OF LAND
---------------------
ALLEMENT 17 FILED PLAN 2
IN THE AREA NAMED KINGSWOOD
HUNDRED OF ADELAIDE

EASEMENTS
---------
NIL

SCHEDULE OF ENDORSEMENTS
-------------------------
11352007 MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

NOTATIONS
---------
DOCUMENTS AFFECTING THIS TITLE
NIL

REGISTRAR-GENERAL'S NOTES
------------------------
NIL

END OF TEXT.

Page 1 of 2
LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA
DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5338  FOLIO 284
SEARCH DATE : 14/03/2013  TIME: 15:24:47

CROSS

16
64.92
30.48

17
64.92

18
26.21

19
30.48

CAMBRIDGE
10th November 2016

Job No. 4119M

S Brown
39 Cross Road
Kingswood

Email: stephjbrown@hotmail.com

Dear Stephanie,

39 CROSS ROAD – STRUCTURAL INSPECTION

Site inspections were carried out on 21/10/2016 and 1/11/2016 to assess the structural condition of the house and in particular the longer term implications of construction defects.

Background

The house was built in the 1920’s and has a plan footprint of approximately 18 metres x 18 metres.

Most of the construction is original, apart from a lean-to addition along part of the southern side, and remodelling of the bathroom. A pergola located in the north east corner and supported on substantial brick piers has been removed, due to structural problems associated with movement of the piers.

The construction is typical for the period, with solid masonry external and internal walls on concrete strip footings, timber floors, and custom orb roof supported by a traditional framed timber roof structure.
Footings and Walls

The foundation materials at 39 Cross Road are reactive clays which move with changes in moisture content. The site classification is probably H1/D or H2/D to AS2870 (Australian Standard for Residential Slabs and Footings) and there is the potential for foundation movements of up to 70mm.

The existing concrete footings have insufficient strength and stiffness to satisfactorily cope with foundation movements and this has resulted in severe cracking in the house walls.

Defects that were noted included:

- Extensive severe cracking in the walls near the front entrance.
- Wall cracking in other areas of the house.
- Cracking alongside ceiling cornices and in the ceilings.
- Doors jamming due to wall movement.
- Salt damp in the south west corner due to ineffective damp proof membranes.
- Movement of the large brick piers at the front of the house, so that the support timbers on the brick piers are not plumb.
- Front porch distortion and movement.
- The roof over the front porch is pulling away from the house.
- No movement joints in the masonry walls (apart from one retrofitted joint), with consequent cracking in the walls due to footing movement.

Roof

The roof is of “traditional” timber framed construction with timber purlins, timber rafters and under purlins, and struts at various locations onto walls. Some of the timber sizes are smaller than would currently be used and this has resulted in deflections of the under purlins, and some cracked connections.

There are no immediate safety issues provided live loads on the roof are restricted. It would be advisable to strengthen the roof frame for continued long term use of the house.
Structural Repairs and Longer Term Maintenance

The works required to strengthen the footings (and hence to reduce the wall cracking) would include construction of new footings under all existing masonry walls, plus provision of movement joints in the walls and repair of existing cracked walls. Also, the stormwater drainage should be improved. The footing sizes as recommended by current codes for the foundation materials at 39 Cross Road would be around 1100mm deep. This extent of remediation work would be prohibitively expensive.

Lesser works could be carried out, such as provision of articulation joints in the masonry walls, possibly some local underpinning, modification of the storm water drainage, and removal of trees. This work would reduce but not eliminate the effect of foundation movement and future repair works could still be required. These works would have a significant cost.

The roof structure should also be strengthened to current code requirements.

Considerable costs are involved for the various options described in broad detail above and it may be advisable to consider alternative options.

Yours Sincerely,

J.E.C. WILSON
DIRECTOR
16/04/2018

Ms S Brown
39 Cross Road
Kingswood

Dear Stephanie,

We thank you for the opportunity to assist you with your structural repairs project.

Based on the inspection, photos, and Structural Engineering report prepared by Jim Wilson - Job No. 4119M we are pleased to provide you with costing estimates at this stage.

Should you wish to proceed, we suggest that more extensive Engineering documentation should be undertaken to further qualify the scope of work required to be undertaken.

Our costs do not include any Engineering consultations/ inspections and or Council fees / approvals or Architectural detailed plans.
EXTERNAL REPAIRS
Northern wall

1 – Demolish front verandah and rebuild new, including new footings, concrete slab, masonry piers, new floor tiling, new roof construction / roof cladding and painting

2 – Main wall – repair structural cracks, make good and paint

Eastern wall

1 – Prepare and repair structural cracks, paint wall

Western wall

1 – Prepare and repair structural cracks, paint walls

We suggest underpinning work to be carried out to the North / East and North / West corners - the extent and details to be confirmed by the Engineer.

We have allowed to reinforce all 4 chimneys for Earthquake compliance, repairs and painting.

Also included is for the removal and rebuilding of the carport which is out of alignment and not plumb as a result of the movement of the footings.

The Solar panels will also need to be removed and reinstalled when requiring access to the roof cavity to carry out repairs.

Our estimate for this work

Estimate $150 - 170 K + GST (subject to further Engineering documentation)
INTERNAL REPAIRS

1 – Prepare and repair structural cracks.
2 – Remove damaged/ twisted window frames/ sashes and flyscreens and replace with new – paint.
3 - Remove timber floors to the front two rooms, reinforce the dwarf walls, laser level /reinstall floor joists and lay flooring, sand and apply polyurethane finish.
4 - Reinstall architraves, skirting and re hang doors, paint finish.
5 - Remove roof cladding to access roof cavity, inspect all fixing connections for compliance standards and carry out repairs (there are several which have come to our attention and identified by the consulting Engineer and will require replacement /reinforcing etc.)
6 - Carry out Salt Damp remediation, install membrane, remove / replace affected masonry.
6 – Remove / replace plasterboard ceiling and cornice, paint throughout.

Our estimate for this work Estimate $260 - 280 K + GST (subject to further Engineering documentation)

We anticipate a total project budget of $515,000 Including GST including allowance for relevant Architectural and Engineering documentation, inspections and approvals etc.

Whilst we have allowed for some underpinning work in our costing, it is not in line with the extent as referred to in the Engineers report as it would be prohibitively expensive.

We trust this meets with your approval and look forward to working with you on this project.

Mark Evans
Director

0408 561 369
ADMIN@BROADENBUILD.COM.AU
BLD 244 236
ABN 93 153 852 889
WWW.BROADENBUILD.COM.AU
Hi Bethany,

The engineer said he has seen many houses on Cross Road but the way this house was cracking was unique.

He said underpinning was not going to save this house. All external walls were showing signs of stress. In particular the front wall is pushing on the verandah as it attempts to come away from the house & this is evident because the spacing differs at several points of the verandah.

Looking at the roof from the outside they would have seen the unpainted timbers are coming out of the roof space & are now visible.

Before I was aware of the structural issues I had several walls replastered. These are all cracking again now. In the main bedroom the cornice has been repaired twice before, also lead flashing was put on the roof to assist with water flow but it didn't make any difference and the cornice & plaster needs repairing once again. In several rooms the area where the walls join have cracked.

The engineer also mentioned how many of the ornate features, such as headlights, ceiling roses & cornices weren't even original.

Hopefully these and many of the more obvious concerns were reported.

Kind regards
Stephanie Brown

Get Outlook for Android
Bethany Andretzke

From: Elizabeth Little <ElizabethL@ggand.com.au>
Sent: Tuesday, 25 June 2019 3:39 PM
To: Tim Pride
Cc: Bethany Andretzke
Attachments: 18074 - 39 Cross Road, Kingswood
18074 39 Cross Road Kingswood.pdf

Hello Tim,

Further to our phone conversation earlier today, we provide the following additional assessment of the dwelling.
As a reference we have used Richard Apperly's *Pictorial Guide to Identifying Australian Architecture: Styles and Terms from 1788 to the Present* (excerpts attached to this email).

Background:
Deriving from the English Arts and Crafts movement, the bungalow became popular in the United States at the turn of the century, especially in the temperate climate of California. American publicity, plus the many similarities between California and Australia, led to the popularity of the style in Australia from Works War 1 to the Depression.

The subject dwelling is a good example of an early twentieth century Californian bungalow, displaying the following typical design characteristics / style indicators:

- Low pitch roof;
- Wide eaves overhang;
- Exposed roof timbers (under gable overhangs);
- Street facing gable;
- Ventilated gables (both in masonry and timber gable ends);
- Bracketed purlins;
- Flat top chimney (no decorative chimney pots);
- Roughcast rendering (to plinth and upper level walls);
- Grouped posts (half posts on masonry piers – masonry piers are more in keeping with earlier Federation Bungalow style)

The bay window, grouped windows and corrugated metal roof are also typical of the style.

The dwelling appears to be largely unmodified when viewed from the street, and retains a high degree of integrity.

Please give me a call if you need further comment on any of the above,
Regards
Liz

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

GRIEVE GILLETT ANDERSEN

E elizabethl@ggand.com.au
T +61 8 8232 3626
243 Pirie Street, Adelaide SA 5000
www.ggand.com.au

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FILE NOTE

DATE OF FILE NOTE: 24 June 2019
AUTHOR: Jason Reichelt/Richard Brown
FILE / DA NUMBER: 080/577/19
PROPERTY ADDRESS: 39 Cross Road Kingswood
DATE AND TIME OF EVENT: 21 June 2019
SUBJECT: Structural Integrity Inspection

A site inspection was undertaken on Friday 24 June 2019 for the purpose to assess the structural integrity of the subject dwelling. An external and internal inspection was performed and the following issues were identified.

The front verandah has pulled slightly away from the main dwelling predominantly due to the failure of the front brick piers. As a result, the verandah support posts are no longer plumb and the verandah structure appears slightly distorted.

The dwelling showed many signs of deterioration typical of dwellings of similar age (B1920's) and condition within the area. Poor stormwater disposal, reactive soils and poor choice of vegetation selection have seen moderate footing movement over many seasonal changes resulting in minor to moderate isolated cracking, although 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 western and northern facing walls adjacent to the front entrance, the north western front corner wall and the north eastern front corner wall. These defects appear to be the result of isolated footing failure and would require an element of major repair to the footings (underpinning).

Throughout the remainder of the dwelling with the exception of the rear leanto, there appears to be an element of minor footing failure resulting in some minor cracking and cornice/skirting movement and deflection.

Salt damp was evident and appeared isolated to the rear south western corner of the dwelling. This appears to be the result of leaking pipes and or water proofing defects to bathroom tiling and possibly poor stormwater drainage.

The roof structure from an external inspection appears in reasonable condition with no obvious structural deflections etc. It was noticed in the Jim Wilson Pty Ltd Consulting Engineers report that the roof had been internally inspected and there was some minor under purlin deflections evident but no immediate structural safety issues were encountered.
In summary, the residence appears structurally sound and habitable but to ensure ongoing structural integrity, the following external and internal rectification works would be considered necessary:

(1) Stabilising of the existing footing
   • Isolated footing underpinning
   • Improvements to stormwater drainage
   • Removal of selected vegetation
(2) Repair of internal and external cracking
(3) Possible strengthening of roof structure to current code requirements

Verandah brick piers and posts out of plumb
Major cracking to external walls adjacent to front entry

Major cracking to internal walls adjacent to front entry
Moderate cracking to north western front corner wall

Typical cornice movement and deflection throughout
Salt damp evident to rear south western corner wall

Salt damp to walls of wet area to south western corner
8. CATEGORY 2 NOTIFIED APPLICATIONS

8.1 39 CROSS ROAD KINGSWOOD SA 5062

1. Snapshot

<table>
<thead>
<tr>
<th>Author:</th>
<th>Bethany Andretzke</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal:</td>
<td>Demolition of all Existing Structures</td>
</tr>
<tr>
<td>Development Number:</td>
<td>080/0577/19</td>
</tr>
<tr>
<td>Date of Lodgement:</td>
<td>15/05/2019</td>
</tr>
<tr>
<td>Owner:</td>
<td>Ms S J Brown</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Stephanie Joy Brown</td>
</tr>
<tr>
<td>Location:</td>
<td>39 Cross Road KINGSWOOD SA 5062</td>
</tr>
<tr>
<td>Zone:</td>
<td>Residential (Central Plains) / Historic (Conservation) Policy Area 15</td>
</tr>
<tr>
<td>Application type:</td>
<td>Merit</td>
</tr>
<tr>
<td>Public Notification Category:</td>
<td>Category 2</td>
</tr>
<tr>
<td>Representations Received:</td>
<td>1 – Support with concerns</td>
</tr>
<tr>
<td>Internal Referrals:</td>
<td>Local Heritage Consultant Advisor</td>
</tr>
<tr>
<td>External Referrals:</td>
<td>Nil</td>
</tr>
<tr>
<td>Development Plan:</td>
<td>Consolidated 20 February 2018</td>
</tr>
<tr>
<td>Delegation:</td>
<td>Council Assessment Panel – Applications for demolition of a dwelling in any Historic (Conservation) Zone or policy area</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>To Grant Development Plan Consent subject to conditions</td>
</tr>
</tbody>
</table>

2. Background

The subject site has undergone an extensive development application process, beginning with one application for demolition and three group dwellings and another for an associated land division. A substantial amount of time and money has been expended by the owner on independent planning advice and architectural design schemes, however a supportive recommendation was not able to be reached with Council administration. As a result, there is now one application for the demolition of all existing structures on the subject land which is presented for consideration by the Council Assessment Panel.

The owner of the subject land now seeks to sell the land, intending to maximise opportunity for sale by including demolition approval.

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>080/1170/18</td>
<td>Demolition of existing dwelling and construction of three group dwelling</td>
<td>WITHDRAWN</td>
</tr>
<tr>
<td>080/1299/16</td>
<td>Enlarge land to create two additional allotments (1:3) and construction of three group dwelling</td>
<td>PENDING DECISION</td>
</tr>
</tbody>
</table>
3. The Subject Land

The subject land is identified at 39 Cross Road, Kingswood. It is rectangular in shape with a frontage of 30.48 metres to Cross Road, a depth of 64.92 metres and a total site area of 1987.8 square metres.

The land is flat and currently accommodates a single storey bungalow with an attached carport and verandahs, a detached verandah, a granny flat and a detached outbuilding (shed).

The dwelling situated on 39 Cross Road, along with adjoining dwellings which also front Cross Road are identified as contributory items as per PDC 2 of the Residential (Central Plains) Historic (Conservation) Policy Area 15.

No easements or encumbrances are included on the Certificate of Title for the subject land.

Figure 1: Aerial view of subject land - 39 Cross Road, Kingswood
4. The Locality

The locality is an approximate 60 metre radius around the subject land including adjoining dwellings as well as properties located on the northern side of Cross Road and located within the City of Unley. It consists entirely of residential allotments. Sites south of Cross Road are located within the City of Mitcham in Residential (Central Plains) Zone, Historic (Conservation) Policy Area 15, while sites to the north are located within the City of Unley and its Residential Streetscape (landscape) Zone – Policy Area 11 – Landscape Precinct 11.

The locality includes predominantly single storey character dwellings, with a relatively intact pattern of division. However, it is noted that there is a site to the immediate east that has been divided into three allotments, with the original dwelling still facing Cross Road.
4.1 Locality Plan

![Locality Plan](image)

Figure 3: Locality (blue) / Subject site (red)

5. The Proposal

The applicant seeks consent to demolish all existing structures on the subject land. The structures include the existing dwelling and attached carport, granny flat at the rear of the dwelling, an outbuilding (shed) and a detached verandah. No removal of regulated or significant trees is proposed.

6. Zoning

The subject land is depicted on Zone Map Mit/5 and Policy Area Map Mit/29 in the Mapping Section of the Development Plan.

The land is located entirely within:

- The Residential (Central Plains) Zone;
- The Historic (Conservation) Policy Area 15.
7. Procedural Matters

7.1 Classification

The nature of the proposed development is not designated as being complying or non-complying in the Mitcham (City) Development Plan or Development Regulations 2008.

As such, the proposal has been dealt with as a merit form of development.

7.2 Public Notification

Pursuant to PDC 6 of the Residential (Central Plains) Zone; demolition of a local heritage place or contributory building listed in Principle 2 of the Residential (Central Plains) Historic (Conservation) Policy Area 15 is assigned Category 2 form of development. The process therefore involved public notification. One representation was received by Council by the resident at 2A Cambridge Terrace opposing the development.

<table>
<thead>
<tr>
<th>Representor's concerns</th>
<th>Applicant's response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demolition in isolation of built form</td>
<td>No response provided</td>
</tr>
<tr>
<td>Removal of boundary structure without a replacement fence</td>
<td>Civil matter — Applicant is happy to discuss with adjoining neighbour regarding continuing the fence where the structure is proposed to be removed</td>
</tr>
</tbody>
</table>

7.3 Referrals

7.3.1 Internal

Preliminary advice was sought in 2016 from Council's previous Heritage Advisor in respect to the demolition of the existing dwelling. Given that a structural engineers reports had been provided that documented the extent of structural damage to the building, Council's Heritage Advisor was reasonably satisfied that the existing dwelling warranted demolition.

7.3.2 External

Nil

8. Key Issues

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

- The appropriateness of assessing the demolition in isolation of a land use
9. **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 **Appropriateness of demolition**

Principle of Development Control 3 of the Residential (Central Plains) Historic (Conservation) Policy Area 15 identifies how places such as land, buildings, structures and landscape elements that contribute to the historic character of the area should be retained and conserved. Conversely, PDC 8 further 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 supports the desired character for the Policy Area

Notwithstanding the existing dwelling is a contributory item within the Historic (Conservation) Policy Area 15 and the desired character indicates these buildings to be considered as part of a collective whole, represent a fundamental contribution to the integrity of the historic architectural character of the area, the structural engineers report provided and the initial heritage advice indicates that its demolition can be supported. The structural engineers report identifies that a substantial amount of structural damage has occurred with a large amount of work necessary to bring the building back to a safe and habitable condition.

The Development Plan provisions, more particularly the three plactia numbered (a)-(c) under Zone PDC 8 are to be read exclusively rather than cumulatively due to the absence of the word "and" after each of those paragraphs. Therefore, compliance with just one of those provisions allows for the approval of demolition.

Although some Council Development Plans usually pair a requirement for demolition in a Historic Conservation Zone or Policy Area to accompany a built-form application, the wording of the City of Mitcham Development Plan does not make such provision.

Notwithstanding, the application for demolition is not currently paired with a built form proposal, Council has ultimate control over what will be approved and subsequently built on the subject land.

10. **Conclusion**

When assessed against the relevant provisions of the Development Plan and taking into account the previous heritage advice and structural engineers report provided, it is considered that the application warrants Development Plan Consent.
11. Recommendation

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

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

GRANTS Development Plan Consent to the application by Stephanie Brown to demolish all existing structures at 39 Cross Road, Kingswood, as detailed in Development Application No. 080/0577/19 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. 080/0577/19 and more specifically the following plans:

Attachments:

A. Plans and documentation
B. Representation
C. Applicant response to representation
D. Preliminary comments from local heritage advisor
39 Cross Road KINGSWOOD SA 5062
REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5338 FOLIO 284 *

COST : $25.00 (GST exempt ) PARENT TITLE : CT 4341/178
REGION : EMAIL AUTHORITY : CONVERTED TITLE
AGENT : PLS6P BOX NO : 000 DATE OF ISSUE : 06/05/1996
SEARCHED ON : 14/03/2013 AT : 15:24:47 EDITION : 5

REGISTERED PROPRIETOR IN FEE SIMPLE

______________________________
STEPHANIE JOY BROWN OF 39 CROSS ROAD KINGSWOOD SA 5062

DESCRIPTION OF LAND

-------------------------
ALLOTMENT 17 FILED PLAN 2
IN THE AREA NAMED KINGSWOOD
HUNDRED OF ADELAIDE

EASEMENTS

-------------
NIL

SCHEDULE OF ENDORSEMENTS

-----------------------------
11352007 MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

-------------
NIL

REGISTRAR-GENERAL'S NOTES

-------------
NIL

END OF TEXT.
DESTRUCTION PLAN

SCALE 1:250

Proposed Residences at:
Lot 17, No. 39 Cross Road, Kingswood, S.A.
For Ms. S. Brown.

DESTRUCTION NOTES

PRIOR TO COMMENCEMENT OF ANY WORKS, ALL SERVICES INCLUDING GAS, WATER SUPPLY, ELECTRICAL & COMMUNICATIONS TO BE EITHER DISCONNECTED OR MADE SAFE TO THE EFFECTED AREAS WHERE WORKS IS TO BE TAKEN.

CONTRACTOR TO VERIFY LOAD BEARING WALLS PRIOR TO REMOVING ANY WALLS. TO COMPLY WITH IT & SCHEDULES OF THE DEVELOPMENT REGULATIONS 2008 & IN ACCORDANCE WITH AS2601

DESTRUCT ALL WALLS INDICATED WITH DASHED HATCHED LINES WORK.
10th November 2016
Job No. 4119M

S Brown
39 Cross Road
Kingswood

Email: stephibrown@hotmail.com

Dear Stephanie,

39 CROSS ROAD – STRUCTURAL INSPECTION

Site inspections were carried out on 21/10/2016 and 1/11/2016 to assess the structural condition of the house and in particular the longer term implications of construction defects.

Background

The house was built in the 1920's and has a plan footprint of approximately 18metres x 18metres.

Most of the construction is original, apart from a lean-to addition along part of the southern side, and remodelling of the bathroom. A pergola located in the north east corner and supported on substantial brick piers has been removed, due to structural problems associated with movement of the piers.

The construction is typical for the period, with solid masonry external and internal walls on concrete strip footings, timber floors, and custom orb roof supported by a traditional framed timber roof structure.
Footings and Walls

The foundation materials at 39 Cross Road are reactive clays which move with changes in moisture content. The site classification is probably H1/D or H2/D to AS2870 (Australian Standard for Residential Slabs and Footings) and there is the potential for foundation movements of up to 70mm.

The existing concrete footings have insufficient strength and stiffness to satisfactorily cope with foundation movements and this has resulted in severe cracking in the house walls.

Defects that were noted included:

- Extensive severe cracking in the walls near the front entrance.
- Wall cracking in other areas of the house.
- Cracking alongside ceiling cornices and in the ceilings.
- Doors jamming due to wall movement.
- Salt damp in the south west corner due to ineffective damp proof membranes.
- Movement of the large brick piers at the front of the house, so that the support timbers on the brick piers are not plumb.
- Front porch distortion and movement.
- The roof over the front porch is pulling away from the house.
- No movement joints in the masonry walls (apart from one retrofitted joint), with consequent cracking in the walls due to footing movement.

Roof

The roof is of “traditional” timber framed construction with timber purlins, timber rafters and under purlins, and struts at various locations onto walls. Some of the timber sizes are smaller than would currently be used and this has resulted in deflections of the under purlins, and some cracked connections.

There are no immediate safety issues provided live loads on the roof are restricted. It would be advisable to strengthen the roof frame for continued long term use of the house.
Structural Repairs and Longer Term Maintenance

The works required to strengthen the footings (and hence to reduce the wall cracking) would include construction of new footings under all existing masonry walls, plus provision of movement joints in the walls and repair of existing cracked walls. Also, the stormwater drainage should be improved. The footing sizes as recommended by current codes for the foundation materials at 39 Cross Road would be around 1100mm deep. This extent of remediation work would be prohibitively expensive.

Lesser works could be carried out, such as provision of articulation joints in the masonry walls, possibly some local underpinning, modification of the storm water drainage, and removal of trees. This work would reduce but not eliminate the effect of foundation movement and future repair works could still be required. These works would have a significant cost.

The roof structure should also be strengthened to current code requirements.

Considerable costs are involved for the various options described in broad detail above and it may be advisable to consider alternative options.

Yours Sincerely,

J.E.C. WILSON
DIRECTOR
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: Bethany Andretzke – 8372 8807

Development No: 080/0577/19 - 39 Cross Road KINGSWOOD SA 5062
Closes: 5.00PM – 29 May 2019

Your details
The Resident
2A Cambridge Terrace
KINGSWOOD SA 5062
Name: [Inserted]
Address: [Address]

Email: [Email]
Daytime Phone: [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(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 38 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: 28/5/19
Thank you for the opportunity to provide a written representation relating to Application ID: 080/0577/19 – Demolition of all existing structures at 39 Cross Road Kingswood.

As an adjoining resident, I am concerned the application does not include a proposed build plan with the demolition request. I'm concerned the historic appearance and character of the neighbourhood will be compromised once the heritage structure is demolished and an empty block remains. Without a build application provided it could be very likely the demolition site could remain empty for an extended period of time diminishing the character of the area and providing safety concerns for adjoining residents.

The granny flat on the proposed plan for demolition lies along my property boundary, and therefore raises security and safety concerns for my property if I am left without a back fence, especially if a proposed replacement fence is not included in this application. As this property extends to Cross Road it will also raise noise levels if all structures are demolished.

I would also be disappointed if the established palm trees are removed as not only are they beautiful, they provide a natural shading in summer and a wonderful home and food supply for the neighbourhood's birdlife.

My concerns could be overcome if:

- An application with a proposed build plan is provided with the demolition request, and
- An application to replace the granny flat with a boundary fence adhering to council policy is provided with the demolition request.

Thank you for your time and consideration with this matter.

Kind regards,

Amanda Kozuch
Bethany Andretzke

From: Stephanie Brown <stephjbrown@hotmail.com>
Sent: Wednesday, 29 May 2019 8:59 PM
To: Bethany Andretzke
Subject: Re: Representation received RE: proposed demolition at 39 Cross Road

HI Bethany,

In response to Amanda Kozuch’s concerns addressed on the Statement of Representation - Category 2.

When the properties on Cambridge Tce were built the previous Colourbond fence was replaced by a small cement retaining wall with Colourbond fencing on top. If Amanda agrees this could be continued along the boundary fence to make good and at no financial cost to Amanda.

Kind regards

Stephanie Brown

From: Bethany Andretzke <bandretzke@mitchamcouncil.sa.gov.au>
Sent: Wednesday, 29 May 2019 3:30 PM
To: stephjbrown@hotmail.com
Subject: Representation received RE: proposed demolition at 39 Cross Road

Hi Stephanie,

As discussed, attached is the representation Council received from the resident of 2A Cambridge Terrace.

Could please provide a response in relation to the concerns raised at your earliest convenience.

Kind regards,

Bethany Andretzke | Development Officer - Planning
Development Services & Community Safety | The City of Mitcham
131 Belair Road | Torrens Park SA 5062 | P: 08 8372 8814 | F: 08 8372 8101

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From: Tim Pride <tpride@mitchamcouncil.sa.gov.au>
Sent: Thursday, 1 December 2016 6:29 PM
To: stephjbrown@hotmail.com
Cc: Therese Willis
Subject: RE: 39 Cross Rd - Structural condition

Hello Stephanie,

Council has considered the Structural Engineering Report that you have provided on 39 Cross Road Kingswood. The report has been considered by Council’s Planning Department and Heritage Advisor and has been found to be reasonably conclusive in regards to the extent of structural damage and work required to bring the building back to a safe and habitable condition. Based on this Council is reasonably satisfied that demolition is warranted, but requires two pieces of further work to be done before demolition can be definitely approved. These additional work required are:

1) Some financial justification as to the cost of the restoration work required and how this cost is financially unfeasible.
2) A design of a new replacement dwelling that meets the requirements of the Development Plan and is supported by Council’s Heritage Advisor.

Once these additional pieces of work were provided, and assuming the financial assessment came back clearly showing it was unfeasible to under the restoration work, then the proposal would warrant the issuing of approval for the demolition of the existing dwelling. Council’s Heritage Advisor is reasonably satisfied that the existing dwelling warrants demolition.

If you have any further questions please feel free to contact me on the number below or by return email.

Kind regards

Tim Pride | Development Officer - Planning | Development & Compliance | The City of Mitcham
131 Belair Road | TURGERS PARK SA 5062 | P: 08 8372 8161 F: 08 8372 8101 | W: www.mitchamcouncil.sa.gov.au

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10. CATEGORY 1 APPLICATIONS

Nil

11. CONFIDENTIAL ITEMS

11.1 APPEAL COMPROMISE - 17 HANNAFORD ROAD BLACKWOOD
12. APPEALS UPDATE

Attachments:

A. Appeals Update:
PENDING APPEALS UPDATE AS AT 24 JUNE 2019

PROPOSAL

To inform Panel Members of the status of outstanding appeals.

RECOMMENDATION

That the report be received for information only.
<table>
<thead>
<tr>
<th>No</th>
<th>ERD No</th>
<th>Appl’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>
</table>
13. OTHER BUSINESS

14. ASSESSMENT MANAGER REPORT

   Nil

15. STRATEGY AND POLICY CONSIDERATIONS

16. CLOSE