

COUNCIL ASSESSMENT PANEL MEETING
13 February 2019
AGENDA – 8.1

Applicant: Kym Jongebloed	Landowner: AT Infinite Pty Ltd
Agent: Andrew Davidson	Originating Officer: Marie Molinaro
Development Application:	18/574/473 18/D40/473
Application Description: Land Division (1 into 2) (non-complying)	
Subject Land: Lot:44 Sec: 2798 DP:14662 CT:5752/23	General Location: 3 White Avenue, Crafers SA 5152 Attachment – Locality Plan
Development Plan Consolidated : 24 October 2017 Map AdHi/23	Zone/Policy Area: Country Living Zone
Form of Development: Non-complying	Site Area: 5879m ²
Public Notice Category: Category 3 Notice published in The Advertiser on 23 November 2018	Representations Received: Three Representations to be Heard: Two

1. EXECUTIVE SUMMARY

The purpose of this application is to create one additional allotment for residential purposes.

The subject land is located in the Country Living Zone and the proposal is a non-complying form of development. Three representations were received during the Category 3 public notification period.

As per the CAP delegations, the CAP is the relevant authority where the proposal is a non-complying land division, and there are representors who wish to be heard.

The main issues relating to the proposal are impact on water quality, and impact on character and amenity of the locality.

Following an assessment against the relevant Zone and Council Wide provisions within the Development Plan, staff are recommending that **CONCURRENCE** from the State Commission Assessment Panel (SCAP) be sought to **GRANT** Development Plan Consent and Land Division Consent – Development Approval.

2. DESCRIPTION OF THE PROPOSAL

The proposal is for the following:

- Creation of one additional allotment – two allotments in total (allotments 31 and 32).
- Allotment 31 is irregular in shape with an area of 2035m²

- Frontage 32.60m, maximum depth of 82.30m and 18.50m width at the rear
- Containing existing dwelling, water storage tank and associated outbuildings
- Allotment 32 is irregular in shape with an area of 3844 m²
 - Frontage 29.84m, maximum depth of 85.01m and 82.92m width at the rear
 - Containing existing tennis court with associated lighting and fencing, outbuildings associated with the existing dwelling on allotment 31 and de-commissioned bore
- The tennis court and associated lighting and fencing are to remain
- The tennis court and associated fencing have been nominated as the indicative building envelope for allotment 32

The proposal also includes:

- Establishment of an indirect SA Water sewer connection to both allotments. The sewer main forming part of the connection is to be installed underneath the roadway, with private pumping connection to the main to be installed across the Council road reserve to both allotments. The applicant will be seeking separate approval from Council's Civil Services section for this work within the road reserve, including any associated tree removal
- Removal of one pine tree (non-regulated) located partly on allotment 32 and partly on the Council road reserve. This tree is required to be removed to provide a clear area for a driveway cross-over
- Removal of other pine trees (non-regulated) on allotment 32, located near the front boundary
- Installation of a new on-site stormwater detention system on allotment 31, associated with the existing dwelling. The stormwater detention system will consist of a drainage swale and detention basin. The construction of the drainage swale will require the removal of an outbuilding on allotment 32

The proposed plans are included as **Attachment – Proposal Plans**.

Other information is included as **Attachment – Applicant's Professional Reports**.

3. BACKGROUND AND HISTORY

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
1 June 1984	330/252/84	Land Division
14 June 1983	382/83	Glasshouse & Shadehouse (domestic)
28 November 1978	12222	Garage

4. REFERRAL RESPONSES

- **AHC ENGINEERING**

Advised that there are no engineering issues with the proposal.

Reviewed the applicant's stormwater management plan for allotment 31 containing the existing dwelling and advised that it is satisfactory.

Advised that it would be possible for the sewer connection to be installed within the Council road reserve, subject to conditions.

Recommended Land Division Condition one [1] requires the applicant to submit, and gain separate Council approval for the work required in the Council road reserve to connect both allotments to sewer.

- **AHC ARBORIST**

Advised that the removal of the pine tree partly contained within allotment 32 and the Council road reserve is of no concern, but a section 221 application is required if it is not part the future dwelling application. Also advised in relation to the sewer connection that only the essential removal of additional trees within the Council road reserve would be supported where it is to enable development.

Council street trees on the White Avenue Road reserve where the private pumping infrastructure could be installed are not regulated or significant.

The sewer connection is considered to be an essential part of the proposal, and a separate section 221 application is required.

- **AHC RATES**

Allotment 31 to remain as 3 White Avenue, Crafers and allotment 32 to be known as 5 White Avenue, Crafers.

- **COUNTRY FIRE SERVICE (CFS)**

Informal referral, advised no objections to the proposal.

The above responses are included as ***Attachment – Referral Responses.***

5. CONSULTATION

The application was categorised as a Category 3 form of development in accordance with Section 38(2)(c) of the Development Act (1993) requiring formal public notification and a public notice. Three (3) representations were received during the public notification period.

The following representors wish to be heard:

Name of Representor	Representor's Property Address	Nominated Speaker
Dr James Trumble	7 White Avenue, Crafers	TBA
Mr Joe Ciaravolo	PO Box 253, Campbelltown	TBA

The applicant, or his representatives, Andrew Davidson and Marcus Rolfe (URPS), may be in attendance.

The issues contained in the representations can be briefly summarised as follows:

- o The nominated building envelope is too close to the dwelling on the adjoining allotment at 7 White Avenue, which could negatively impact on privacy
- o An increase in housing will contribute to increased vehicle traffic
- o The pumped indirect sewer connection could create noise
- o These matters will negatively impact on property value (residential amenity)
- o The furthest point of the nominated building envelope is more than 30m from White Avenue. This means that a CFS turnaround area will be required in front of the dwelling
- o There may be regulated, or significant trees on allotment 32 which have not been identified in the supporting arborist report
- o Stormwater overflows from future development on allotment 32 will need to be adequately designed and managed to avoid trespass onto properties downslope
- o There is no guarantee that future development on allotment 32 will connect to sewer, despite the installation of the sewer connection point
- o The proposal is non-complying

These issues are discussed in detail in the following sections of the report.

A copy of the representations is included as **Attachment – Representations** and the response is provided in **Attachment – Applicant's Response to Representations**.

6. PLANNING & TECHNICAL CONSIDERATIONS

This application has been evaluated in accordance with the following matters:

i. The Site's Physical Characteristics

The subject land has an area of 5,879 square metres and is square in shape. The land is on the eastern side of White Avenue. White Avenue is a sealed Council road, with no kerb and gutter.

The subject land is approximately 30m south of the intersection with Glenside Road and 15m south of the sewer main on Glenside Road.

The land contains a dwelling, water storage tank and associated outbuildings which are clustered towards the north-western portion of the land.

To the south-east of the dwelling is a tennis court, which has been excavated into the land. Mature (non-regulated) exotic trees are clustered near the dwelling and along front boundary, with some scattered trees at the rear of the site. An abandoned/decommissioned bore is located behind the tennis court, near the SA

Water easement located parallel with the rear boundary. It is understood that the easement does not contain any infrastructure.

The land has slope of approximately 1 in 7 from the north-west corner to the south-west corner (front to rear).

The subject land is located in the Mount Lofty Ranges Watershed Protection Area and Medium Bushfire Protection Area.

ii. The Surrounding Area

The locality contains a mix of irregular shaped allotments. The median allotment size in the locality is 2022 square metres, which is considered to be low density. Allotments have been developed with single storey and two storey detached dwellings and associated outbuildings.

The setback pattern to public roads is varied, with built form on the eastern side of White Avenue being nearer to the front boundary.

The locality is well landscaped with mature exotic tree plantings a feature of the locality.

iii. Development Plan Policy considerations

a) *Zone Provisions*

The subject land lies within the Country Living Zone and these provisions seek:

- *A residential zone primarily comprising of detached dwellings at very low densities, including affordable housing.*
- *Residential development sensitive to the particular topography of the area, and which has minimal visual and environmental impacts.*
- *Development that contributes to the desired character of the Zone.*

Relevant sections of the Desired Character statement seek:

- *Development within the zone will predominantly comprise detached dwellings at very low densities.*
- *Allotments will continue to vary significantly in size and shape throughout the Zone in response to the rolling hills and substantial vegetation. There will be no discernible pattern of allotment size with areas broadly ranging from about 800 square metres to more than 9000 square metres. Similarly, apart from being broadly rectangular in shape, the frontages and depths of allotments will vary significantly.*
- *Generally, new allotments will only be created where they match the median allotment size in the locality, where they will be connected to a mains sewer system and where such issues such as access, vegetation removal, stormwater management and slope as well as the provision of essential services have been appropriately addressed.*
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- *Mature vegetation will provide a defining feature of the Zone and will dominate views from all locations. The vegetation will be a mixture of exotic and native species and will be situated on verges, reserves and within private properties.*
- *While the majority of dwellings will be single-storey, there will be a significant number of two-storey buildings scattered throughout the Zone. Front setbacks will vary considerably, both within a particular street and from property to property. They will, generally, be large enough to accommodate heavily vegetated front gardens and respond to steeply sloping land where a greater setback is required to enable the construction of a driveway.*
- *The Mount Lofty Ranges Watershed Area is of importance to Adelaide's public water supply system. The maintenance and enhancement of water quality and prevention of pollution is a priority and given the multi-use nature of the water supply catchments, a balance between best practice watershed protection and development is required.*

Objectives: 1, 2 & 3

PDCs: 1, 2, 6, 10, 14

Form and Character

PDC 6 states that development should not be undertaken unless it is consistent with the Desired Character for the Zone.

The Desired Character Statement for the Zone in-part re-enforces Objective 1 of the Zone which seeks low density residential development, predominantly comprised of detached dwellings.

The proposal will not offend the desired character of the Zone as the allotment sizes exceed the median allotment size in the locality, maintaining the desired low density residential development pattern.

The residential use of proposed allotment 31 comprising a detached dwelling will not alter as a result of the proposal; and the future land use of proposed allotment 32 will be residential.

The allotment layout is considered to be consistent with the Desired Character Statement which acknowledges that there will be a continuation in the varying allotment sizes and shapes in the Zone in response to topography and vegetation.

The proposed allotments vary slightly in size to each other and are irregular in shape. The land division design is in response to the site features being retention of the tennis court.

While the allotments are irregular shapes, it is likely they will appear as two regular shaped allotments of similar dimensions when viewed from White Avenue. The 'dog-leg' around the tennis court does not start until some 35m back from the front boundary.

Land Division

PDC 14 of the Zone is considered to be most relevant to the proposal, as it directly relates to land division.

Unless otherwise specified in the policy areas, land division should create allotments which:

a) match the prevailing character and size of allotments within the locality and which are no less than the median allotment size or 2000 square metres whichever is the greater; where the locality includes all allotments either wholly or partly within a radius of 200 metres measured from the centre of the main allotment frontage.

Comment:

Allotments in the locality vary in size and are generally irregular rectangular or square in shape.

The proposed allotments are considered to match the irregular, rectangular or square shaped character of allotments in the locality. The proposed allotments are also considered to match the prevailing size of allotments within the locality as they exceed the median allotment size, being 2022 square metres.

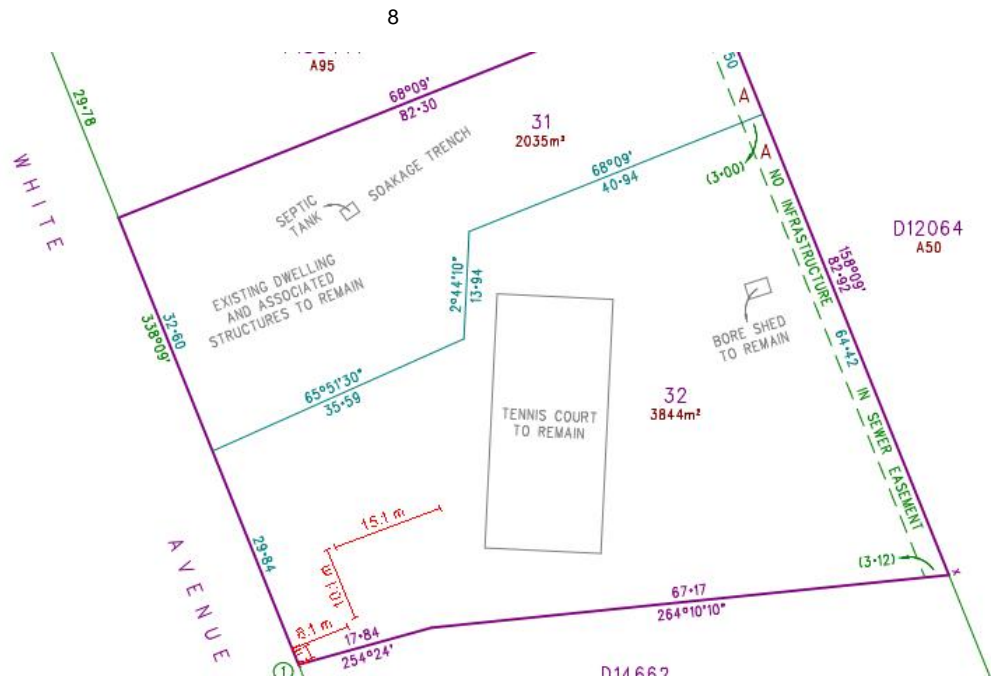
b) provide a building envelope of 10 metres x 15 metres (excluding required boundary setbacks).

Comment:

The tennis court on allotment 32 has been nominated as the indicative building envelope. The tennis court has an area of 31m x 14m, and a total area of 434 square metres.

The tennis court as measured from the plan of division, is approximately 7m from the nearest boundary, that being the southern side boundary shared with 7 White Avenue.

The building envelope is indicative only. It is not considered necessary to restrict development to within this area by condition or Land Management Agreement. This will allow flexibility for future development to be located between the tennis court and the front boundary. The area forward of the tennis court also can accommodate a minimum 15m x 10m building envelope, which meets the dwelling setbacks set-out in PDC 9 – that being 8m from the front boundary and 2m from side and rear boundaries for single storey dwellings – see indicative layout below.



In the Country Living Zone, generous setbacks to the front boundary in excess of 8m are common given the large allotment sizes. However, in the locality an 8m front boundary setback would be consistent with existing development on the eastern side of White Avenue.

The existing dwelling on the land is setback approximately 7m from the front boundary and the dwelling at the adjoining site of 7 White Avenue is setback 9.7m from the front boundary.

As the nominated building envelope and alternate building area demonstrate compliance with the minimum setback criteria, future development (if designed within these parameters) should not unreasonably impact on the amenity of adjoining properties. This is subject to the relevant Country Living Zone and Council Wide design and appearance Objectives and PDCs also being met. This will be assessed as part of a future land use development application.

c) provide a building envelope and vehicle access area which does not contain or impact on a regulated tree, a significant tree or native vegetation.

Comment:

The tennis court is a cleared area. Nominated indicative vehicle access to the building envelope will require the removal of one Pinus Radiata pine tree straddling the front boundary and Council road reserve to provide adequate space for a driveway cross-over.

In addition, the applicant wishes to remove a cluster of Pinus Radiata trees to the north of the cross-over location contained wholly within the subject land. The cluster of pine trees comprises approximately four trees.

These trees would need to be removed if the area between the tennis court and the front boundary was chosen as the alternate building location.

These trees are not regulated or significant by virtue of their species. *Pinus radiata* are listed as an exempt plant species in part 2(5)(b) of the Development Regulations (2008) and no development approval is required for their removal. There is no native vegetation on the site. Whilst the Desired Character Statement states that mature vegetation will provide a defining feature of the Zone and will dominate views from all locations, *Pinus Radiata* is an exempt plant species, as such their retention value is considered to be low.

The applicant's arborist report concludes that there are no regulated or significant trees on allotment 32, something which was raised by the representors as being potentially incorrect. In particular that there are Liquid Ambar trees at the rear of the tennis court that could be regulated.

The applicant has confirmed that the two Liquid Ambar trees have respective trunk circumferences at 1m above natural ground level of 1.88m and 1.60m, so they are not regulated. In any event both trees are also within 20m of the dwelling on adjoining site, 7 White Avenue.

d) provide a building envelope with an average slope no greater than 1 in 5.

Comment:

The tennis court is a levelled area, which has been excavated into the land. The base of the surface playing area is approximately 1m below natural ground level at its southern end and approximately 2.9m below natural ground level at its northern end.

The area between the tennis court and the front boundary is undulating with a gentle slope towards the south.

e) are able to be connected to an electricity supply, a water supply and either a mains sewer or a community wastewater management scheme.

Comment:

Electricity supply – existing main electricity supply can be connected to allotment 32.

Water supply – existing main water supply can be connected to allotment 32.

Mains sewer – sewer to the north of the site will be extended down to both allotments.

f) appropriately address stormwater management and access to public roads.

Comment:

The applicant has provided an engineered stormwater management plan for allotment 31, containing the dwelling, water storage tank and associated outbuildings.

The stormwater management plan details a design solution for on-site stormwater overflow detention, that ensures stormwater run-off is contained wholly within the boundaries of allotment 31.

The design solution includes the construction of a drainage swale on the southern side of the dwelling, which connects to a detention basin at the rear of the dwelling – **see attachment – Applicant’s Professional Reports.**

An outbuilding will need to be demolished to construct the drainage swale.

Recommended Land Division Condition two [2] will require the applicant to construct the drainage solution for allotment 32 in accordance with the stormwater management plan and to Council’s reasonable satisfaction prior to Section 51 clearance.

In regards to allotment 32 stormwater management will need to be fully assessed at the land use stage. However, given that an on-site stormwater management solution has been designed for allotment 31 it is considered that a similar solution could be provided on allotment 32.

Both allotments have frontage to a public road.

The proposal is consistent with PDC 14.

Procedural Matters

Procedural matters of the Country Living Zone designate land division as non-complying development except where the allotments:

- Are of an equal size, or greater size than the median allotment size in the locality or 2000 square metres in area, whichever is greater where the locality includes all allotments either wholly or partly within a radius of 200 metres measured from the centre of the primary allotment frontage, and
- Contain a suitable building envelope that:
 - 1 is within 50 metres of an existing sewer main or CWMS, and
 - 2 is at least 25 metres from any watercourse; and
 - 3 has an average slope no greater than 1 in 5

The median allotment size in the locality measured from the centre of the subject site frontage is 2022 square metres. The proposed allotments are greater in size than 2022 square metres, so this part of the non-complying trigger is satisfied. However, the nominated building envelope for allotment 32 is more than 50 metres from the

existing sewer main, so the proposal for this reason defaults to being non-complying development.

PDC 2 states that development listed as non-complying is generally inappropriate; however as part of the proposal the applicant has agreed to extend the sewer main via an indirect connection to allotment 32. Therefore if the proposal is approved it will result in the building envelope being less than 50 metres from the sewer main.

So whilst the proposal is non-complying it does not offend the intent of the non-complying trigger in limiting the creation of allotments that are not connected to sewer in the Mount Lofty Ranges Watershed Area.

Development connected to sewer contributes to the prevention of pollution in the Mount Lofty Ranges Watershed by negating the need for on-site waste water systems (septic tanks and effluent disposal areas) and the potential for water quality impacts. This is consistent with that part of the Desired Character Statement that seeks the prevention of pollution as a priority in the Mount Lofty Ranges Watershed Area.

The proposal also complies with that part of the Desired Character Statement that seeks the enhancement of water quality as a priority, as the on-site waste system servicing the existing dwelling will be de-commissioned and replaced with a sewer connection.

The proposal is not considered to be inappropriate development despite being non-complying as it satisfies the intent of the non-complying trigger. Therefore PDC 2 is negated.

b) Council Wide provisions

The Council Wide provisions of relevance to this proposal seek (in summary):

- *Development located away from areas that are vulnerable to, and cannot be adequately and effectively protected from the risk of natural hazards*
- *Protection of human health and the environment where site contamination has been identified or is suspected to have occurred*
- *Infrastructure provided in an economical and environmentally sensitive manner*
- *Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing underutilised infrastructure and facilities*
- *Land division that creates allotments appropriate for the intended use*
- *Land division that is integrated with site features, adjacent land uses, the existing transport network and the availability of infrastructure*
- *Orderly and economic development that creates a safe, convenient and pleasant environment in which to live*
- *Development that does not prejudice the achievement of the provisions of the Development Plan*
- *Safe, convenient, sustainable and healthy living environments that meet the full range of needs and preferences of a diverse community*

The following are considered to be the relevant Council Wide provisions:

Hazards

Objectives: 1, 2, & 5

PDCs: 1 & 7, 22

Bushfire

PDC 7 states that development in a Bushfire Protection Area should be in accordance with those provisions of the Minister's Code: Undertaking development in Bushfire Protection Areas that are designated as mandatory for Development Plan Consent purposes.

The subject site is in a Medium Bushfire Protection Area.

The Country Fire Service (CFS) development assessment service has reviewed the proposal and advised that they have no objection to it.

The CFS advice includes those parts of the Minister's Code that will need to be incorporated into a future residential land use application.

As raised in the representations, this will include a CFS vehicle turnaround area if the furthest part of future residential development is more than 30 metres from the White Avenue frontage.

The whole of the Country Living Zone is within a Bushfire Protection Area, either Medium or High. Allotments in the Country Living Zone are large, which allows for dwellings to be well setback from the front boundary, requiring CFS vehicle turnaround areas.

Therefore, the inclusion of a turnaround area as part of future residential development on allotment 32 is not considered to be out of character in the Country Living Zone.

The Desired Character Statement for the Country Living Zone does seek front setbacks to be large enough to cater for heavily vegetated front gardens.

One option for the CFS turnaround is a 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.

Allotment 32 has a width of 29m so there will be area to include both a turnaround area (if required) and landscaping, to satisfy this part of the Desired Character Statement.

Full assessment of this matter will be required at the future land use application stage, depending upon where a dwelling is located.

PDC 22 states that development, including land division should not occur where site contamination has occurred (unless the contamination has been assessed and remediate where necessary).

The risk of site contamination is considered to be low as the land has existing residential use rights.

The proposal is consistent with PDC 22.

Infrastructure

Objectives: 1

PDCs: 1, 6, 8, 20

PDCs 1, 6 and 8 seek development to only occur where it has access to adequate utilities and services.

This matter has been discussed earlier in the report in the section relating to PDC 14 of the Country Living Zone.

Proposed allotment 32 is considered to have adequate access to utilities and services, so is consistent with PDCs 1, 6, 8 and 20.

Land Division

Objectives: 1, 2 & 4

PDCs: 1, 2, 4, 7, 11

The Council Wide provisions relating to land division relate most directly to the proposal.

PDC 1 states that when land is divided:

a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner which:

- does not increase the flow rate downstream
- maximises interception, retention and removal of waterborne pollutants (including sediment, litter, nutrients, microbial contaminants and other potential toxic materials) prior to their discharge into receiving water
- where practicable, retains or detains stormwater flows for re-use close to its source including possible aquifer storage and re-use

The interpretation of this PDC is that it is mainly meant to apply to large scale land divisions, creating multiple allotments.

In any event though, the proposal reasonably satisfies the broad aim of PDC 1 as the stormwater management plan demonstrates efficient stormwater disposal can be achieved for allotment 32. It is anticipated a similar stormwater management system can be designed for vacant allotment 31.

PDC 2 states that land should not be divided if any of the following apply:

a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended purpose.

Comment:

The size, shape and slope of allotment 32 is considered to be suitable for its intended residential purpose as it exceeds the median allotment size in the locality, is consistent with the shape of allotments in the locality and contains building areas with a slope less than 1 in 5 as designated in the Country Living Zone.

The location of allotment 32 in a well serviced area (access to essential services) of a residential zone makes it suitable for its intended residential purpose.

The existing nature of the land is residential and the intended use of vacant allotment 32 is residential.

b) any allotment will not have frontage to one of the following:

- an existing road
- a public road
- access to a public road via an internal driveway in a plan of community division

Comment:

Both proposed allotments have a frontage to White Avenue, which is a public road.

c) the intended use of the land is likely to require excess cut and/or fill.

Comment:

The nominated building envelope for allotment 32 is flat. As discussed earlier in the report, an alternate 15m x 10m building area can also be accommodated between the tennis court and the front boundary. This area has a gentle slope so building in this location should also not require excessive cut and/or fill.

d) it is likely to lead to undue erosion of the subject land or within the locality.

As the slope of allotment 32 is not considered to require excessive cut and/or fill at the land use stage it is considered that undue erosion will not occur.

A full assessment of cut and/or fill will be undertaken at the land use application stage.

e) the wastewater treatment plan to which the subsequent development will be connected does not have sufficient capacity to handle the additional wastewater volumes and pollutant loads generated by such development.

Comment:

This is not relevant to the proposal but included in the report for continuity purposes.

f) the area is unsewered and cannot accommodate an appropriate onsite wastewater disposal system within the allotment that complies with (or can comply with) the relevant public and environmental health legislation applying the intended use(s).

Comment:

There is sewer to the north of the land. As part of the proposal the applicant has agreed to extend the sewer via an indirect extension both the existing dwelling and to proposed allotment 32.

g) any allotments will straddle more than one zone, policy area or precinct.

Comment:

Both allotments will be wholly contained in the Country Living Zone. There is no applicable Policy Area or Precinct overlay.

h) the allotments will unreasonably restrict access to publicly owned land such as recreation areas.

Comment:

The proposal will not restrict access to publicly owned land.

i) the natural slope of those parts of any proposed allotment reasonably available for construction of a residence and/or outbuilding(s) and direct access to a road is steeper than a gradient of 1 in 4, except where shown on Residential (Glen Stuart Road) concept Plan.

Comment:

The slope of allotment 32 is less than 1 in 4.

j) the land is identified on Figures AdHiFPA/1 to 19 as being subject to flooding.

Comment:

The land is not identified on Figures AdHiFPA/1 to 19.

PDC 4 states that allotments adjoining a State or Local Heritage Place or in an Historic Conservation Area should not be divided unless the resulting allotment pattern can satisfactorily accommodate development which reinforces and complements the heritage character of the Historic Conservation Area or adjoining local heritage place.

The subject land adjoins 32 Old Mount Barker Road, Aldgate which is listed in Table AdHi/2 of the Development Plan as a local heritage place – house and stables ‘Narrinyeri’.

The buildings on 32 Old Mount Barker Road are not visible from the subject land, so future built form is not considered to have the potential to affect the heritage character of the place.

The proposal is consistent with PDC 4.

Orderly and Sustainable Development

Objectives: 1, 4

PDCs: 1, 5, 7, 9

Objective 4 and PDCs 1 and 9 seek orderly development, occurring on land that is suitable for its intended use, and purpose of its zoning.

The proposal is considered to be an orderly form of development as it is consistent with the Objectives and Desired Character Statement for the Country Living Zone.

Transportation and Access

Objectives: 2

PDCs: 25, 27 & 34

PDC 34 states that development should provide off-street vehicle parking in accordance with Table Adhi/4 – Off Street Vehicle Parking Requirements.

For a dwelling Table Adhi/4 sets-out that a minimum of three parking spaces (one to be covered) for a three bedroom dwelling are required.

The stormwater overflow system for allotment 32 will require the removal of one outbuilding, which is believed to be a vehicle parking garage.

There is still ample space on allotment 31 for a replacement undercover parking area so that PDC 34 is satisfied.

The proposed carport forward of the dwelling as shown on the stormwater management plan does not form part of this application. It is considered that there is area on allotment 31 to site a carport further away from the front boundary. This will be fully assessed if/and or when a future development application is lodged for assessment.

The creation of one additional allotment is not considered to result in additional traffic movements that will unreasonably impact on the amenity of the locality.

Other Matters

Representor concern was raised that the private pumping arrangement for the sewer connection could create a noise nuisance.

The Environment Protection Authority (EPA) (Noise) Policy 2007 sets out that fixed domestic machines - machines installed and operated in a fixed position at domestic premises - must not emit a continuous noise level greater than 52dB(A) between the hours of 7.00am and 10.00pm on any day when measured at the relevant position at a noise affected premise. This noise level lowers to 45dB(A) between the hours of 10.00pm and 7.00am the next day when measured at the relevant position at the noise affected premises.

Advice from SA Water is that the operation and maintenance of the pumping system is the responsibility of the land owner. Therefore the land owner will need to ensure that the system is operating effectively to comply with EPA policy.

Recommend Development Plan Consent condition two [2] requires the operation of the sewer pumping systems to be consistent with the EPA Noise Policy.

If the pumping systems are suspected of emitting noise in excess of the EPA guidelines, this can be dealt with under the Local Nuisance and Litter Control Act (2016) which is administered by Council.

7. SUMMARY & CONCLUSION

The proposal is for the creation of one additional allotment in the Country Living Zone, with the subject land being in the Mount Lofty Watershed Protection Area. Allotment 31 will accommodate the existing dwelling on the land, and allotment 32 will be vacant.

The proposal is a non-complying form of development as a building envelope on the proposed vacant allotment 32 is more than 50m from the existing sewer main.

However, as part of the proposal, the applicant has agreed to extend the sewer connection to both allotments. In turn this negates any possible water quality impacts associated with facilitating additional unsewered development in the Watershed Protection Area, and thus satisfies the intent of the non-complying development trigger.

Both of the allotments exceed the median allotment size in the locality, so the low density allotment pattern of the locality will be maintained which is consistent with the Objectives and Desired Character of the Country Living Zone.

The applicant has sufficiently demonstrated that a dwelling can be accommodated on the vacant allotment, as indicated by the indicative building envelope. The indicative building envelope satisfies all criteria of the land division PDC of the Country Living Zone, which is the most relevant PDC to the assessment of the proposal.

The proposal is sufficiently consistent with the relevant provisions of the Development Plan, despite its non-complying nature, and it is considered the proposal is not seriously at variance with the Development Plan. In the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend that **CONCURRENCE** from the State Commission Assessment Panel be sought to **GRANT** Development Plan Consent and Land Division Consent, subject to conditions.

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and seeks the CONCURRENCE of the State Commission Assessment Panel to GRANT Development Plan Consent and Land Division Consent to Development Application 18/574/473 (18/D40/473) by Kym Jongebloed for Land Division (1 into 2) (non-complying) at 3 White Avenue, Crafers subject to the following conditions:

Planning Conditions

(1) Development In Accordance With The Plans

The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- Amended plan of division (sheet 2 of 2, ref. 3536-PT101v.2) by Andrew Davidson Property Development, dated 10 August 2018
- Revised site contour and feature plan (ref. 3536) by Andrew Davidson, dated 15 November 2018
- Amended site drainage plan by Ron Selth & Associates, dated 30 November 2018

REASON: To ensure the proposed development is undertaken in accordance with the approved plans.

(2) Sewer Pumps

Sewer pumps shall be located and operated so as not to emit noise levels in excess of the applicable Environment Protection (Noise) Policy 2007. The maximum noise level shall not exceed 45 dB(A) from 10:00 p.m. on any night until 7:00 a.m. the following morning.

REASON: To maintain the amenity of the locality.

Planning Notes

(1) Property Identifiers

The property identifiers for this property are now:

- Allotment 31 – remains 3 White Avenue, Crafers
- Allotment 32 – 5 White Avenue, Crafers

Council Land Division Statement of Requirements

(1) Prior to Section 51 Clearance – Requirement For Sewer Connection

Prior to Section 51 clearance, both allotments shall be connected to the SA Water sewer system.

This shall include decommissioning of the existing on-site waste control system on allotment 31.

A separate application for 'works/alterations on a road reserve' shall be approved by Council for the sewer infrastructure installation prior to any work occurring.

REASON: To ensure the water quality of the Mount Lofty Ranges Watershed is maintained & enhanced.

(2) Prior to Section 51 Clearance – Requirement for Stormwater Management For Allotment 32

Prior to Section 51 Clearance, the stormwater management requirements detailed in the site drainage plan by Ron Selth & Associates dated 30 November 2018 shall be completed to the reasonable satisfaction of Council.

REASON: To minimise erosion and protect the environment, and to ensure that stormwater does not trespass on adjoining properties.

- (3) **Prior to Section 51 Clearance - Requirement For Demolition of Outbuildings**
Prior to Section 51 clearance, proposed allotment 32 shall be clear of all structures and building materials.

A separate development application for demolition of the outbuildings shall be lodged and approved by Council.

REASON: To ensure that land use conflicts do not occur as a result of the land division.

Council Land Division Notes

- (1) **Land Division Development Approval**

This development approval is valid for a period of three (3) years from the date of the decision notification. This time period may be further extended beyond the 3 year period by written request to, and approval by, Council prior to the approval lapsing. Application for an extension is subject to payment of the relevant fee. Please note that in all circumstances a fresh development application will be required if the above conditions cannot be met within the respective time frames.

SPC Land Division Statement of Requirements

- (1) **Requirement for SA Water Provisions**

The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0074761).

On approval of the application, it is the developer's/owner's responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developer's/owner's cost to ensure that the pipework relating to each allotment is contained within its boundaries.

REASON: Statutory requirement in accordance with Section 33 (1) (c) of the Development Act 1993.

- (2) **Requirement For Payment Into Planning & Development Fund**

Payment of \$7253.00 into the Planning and Development Fund (1 allotment @ \$7253.00/allotment) is required. Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.

REASON: Statutory requirement in accordance with Section 50 and Regulation 56 of the Development Act 1993 and Regulations 2008.

(3) Requirement For Certified Survey Plan

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

REASON: Statutory requirement in accordance with Section 51 of the Development Act 1993.

SPC Land Division Notes

Nil

9. ATTACHMENTS

Locality Plan
Proposal Plans
Applicant's Professional Reports
Referral Responses
Representations
Applicant's Response to Representations

Respectfully submitted

Concurrence

Marie Molinaro
Statutory Planner

Deryn Atkinson
Manager Development Services

COUNCIL ASSESSMENT PANEL MEETING
13 February 2019
AGENDA – 8.2

Applicant: Precision Homes	Landowner: D J & K M Howes
Agent: N/A	Originating Officer: Marie Molinaro
Development Application:	18/749/473
Application Description: Two storey split level detached dwelling, combined fence & retaining walls (maximum height 2.9m), in ground swimming pool & associated earthworks	
Subject Land: Lot:1 Sec: P96 FP:137571 CT:5818/209	General Location: 18 Wandilla Drive, Rostrevor Attachment – Locality Plan
Development Plan Consolidated : 24 October 2017 Maps AdHi/1196	Zone/Policy Area: Residential Zone Residential (Foothills) Policy Area
Form of Development: Merit	Site Area: 1008m ²
Public Notice Category: Category 2	Representations Received: Five Representations to be Heard: Two

1. EXECUTIVE SUMMARY

The purpose of this application is to construct a two storey detached dwelling, with associated combined fencing and retaining walls (maximum height 2.9m), in-ground swimming pool and earthworks.

The subject land is located within the Residential Foothills Policy Area of the Residential Zone. The proposal is a Merit, Category 2 form of development. Five representations were received during the Category 2 public notification period.

As per the CAP delegations, the CAP is the relevant authority where there are representors who wish to be heard.

The main issues relating to the proposal are reduced side boundary setbacks and the impact of the proposed combined fencing and retaining walls on character and amenity .

In consideration of all the information presented, and following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that the proposal be **GRANTED** Development Plan Consent, subject to conditions.

2. DESCRIPTION OF THE PROPOSAL

The proposal is for the following:

- Construction of a two storey, split-level detached dwelling.

- Maximum wall height 6.6m and maximum total overall building height 8.7m as measured above natural ground level.
- Front setback – 4.5m to 7.8m measured from the front façade.
- Rear setback – lower level component 5.3m and upper level component 9m.
- Western side boundary setback – lower level component 1.2m, tapering out to 4m and upper level component 8.2m.
- Eastern side boundary setback – 13m at closest point for both lower and upper level.
- Private open space to be on the northern and eastern sides of the dwelling, with swimming pool directly behind the outdoor entertaining area at the rear of the dwelling (northern side).
- Service area of dwelling to be on the western side of the dwelling, adjacent to the shared boundary of 16 Wandilla Drive. Comprising air-conditioning unit, clothesline and future pool pump equipment.
- Lower level – comprising double garage, open plan kitchen, dining and living rooms, guest bedroom with ensuite, separate home theatre (living room), laundry and storage with verandah/alfresco area at the rear.
- Upper level - comprising master bedroom with ensuite, three additional bedrooms, living area and bathroom.
- Combined floor area totalling 506.8 square metres, with a site coverage of 31 per cent.
- Upper level bedroom window on the western side elevation to be 1.6m above finished floor level, and west facing stair-well window to be 1.4m above finished floor level.
- East facing upper level living windows to be full height and unobscured as these windows look towards a public road – Baroota Avenue.
- Excavation to a depth of approximately 1m on the northern and eastern sides of the dwelling to create a level yard area, and filling to a depth of approximately 500mm on the western side of the dwelling.
- Construction of associated combined fencing & retaining walls, maximum height 2.9m on the eastern side and northern (rear) boundaries to Baroota Avenue and parallel to the front façade of the dwelling facing Wandilla Drive. Retaining walls predominantly below natural ground level.
- Fencing to be Colorbond material, (maximum height 1.8m, with top 300mm to be open vertical slats) and retaining walls to be concrete sleeper design (combined height 2.9m).
- Stormwater to Wandilla Drive.
- Roof material to be Colorbond® sheeting in ‘Gully’ (light brown).
- Walls to be a mixture rendered brickwork and plasterboard sheeting in Dulux ‘Sandy Day’ (off-white), garage roller door to be finished to match Colorbond® ‘Gully’.
- Landscaping comprising native plant species in front of the dwelling facing Wandilla Drive, inside the eastern side boundary and on Council road reserve in front of the fencing.

The proposed plans are included as **Attachment – Proposal Plans**.

3. BACKGROUND AND HISTORY

Previous development authorisations relate to the original dwelling on the land. The original dwelling was damaged by fire and subsequently demolished.

Add demolition approval date

4. REFERRAL RESPONSES

• AHC ENGINEERING

Advised there is no flooding risk associated with the watercourse that flows across the north-western portion of the subject site.

“The creek upstream of Marola Avenue flows under the road through two culverts which severely restricts the quantity of water moving onto the property [subject site]. In addition, the cross sectional area of the watercourse increases as does the gradient of the channel, both contributing to quickly move any possible flood water from the site. Levels are okay.”

Also advised, “the proposed fencing will not compromise the required sight distance”.

5. CONSULTATION

The application was categorised as a Category 2 form of development due to the combined fence and retaining wall height exceeding 2.1m in accordance with the public notification section of the Residential Zone procedural matters, requiring formal public notification. Five representations were received during the public notification period. Of these four were opposing the proposal.

The following representors wish to be heard:

Name of Representor	Representor's Property Address	Nominated Speaker
Stuart & Daniela Cartledge	16 Wandilla Drive, Rostrevor	TBA
Lee Walker-Roberts	22 Baroota Avenue, Rostrevor	TBA

The applicant's representative, Adam Fenton of Precision Homes may be in attendance.

The issues contained in the representations can be briefly summarised as follows:

- Visual impact of combined fencing and retaining walls.
- Combined fencing and retaining walls obscuring driver sightlines at the intersection of Wandilla Drive and Baroota Avenue.
- The combined fencing and retaining walls should be screened by landscaping to minimise visual impact.
- The dwelling is sited too close to the western side boundary, a reduced setback to what is sought in the Residential Policy Area.

- The location of the dwelling on the adjoining allotment to the west has been shown in the incorrect location. It is shown further away from the shared boundary with the subject land than what it actually is.
- The reduced setback to the western side boundary is a potential fire hazard.
- The fixed machinery associated with the dwelling, air-conditioning unit and pool pump are sited on the western side of the dwelling, near to the shared boundary of 16 Wandilla Drive which could result in noise nuisance.
- The construction of the dwelling should be undertaken to minimise impact on the watercourse flowing across the northern-western portion of the land.
- The proposal needs to meet the requirements for building in a Bushfire Protection Area.

These issues are discussed in detail in the following sections of the report.

Copies of the submissions are included as **Attachment – Representations**, and the response is provided in **Attachment – Applicant’s Response to Representations**.

A copy of the plans which were provided for public notification is included as **Attachment – Publically Notified Plans**. Following the public notification period the applicant amended the landscaping plan and corrected the location of the dwelling on the adjoining property at 16 Wandilla Drive.

6. PLANNING & TECHNICAL CONSIDERATIONS

This application has been evaluated in accordance with the following matters:

i. The Site’s Physical Characteristics

The subject land is an irregular shaped allotment, with an area of 1008 square metres. The subject land has a primary street frontage to Wandilla Drive and secondary street frontage to Baroota Avenue.

The subject land is on the northern side of Wandilla Drive, with Baroota Avenue to the northern and eastern side boundaries of the land.

The land is on the low side of Baroota Avenue, with a watercourse flowing across the north-western portion of the site, from Marola Avenue.

The watercourse is piped underneath Marola Avenue, discharging across the subject land then flowing across into adjoining site 16 Wandilla Drive (dwelling partly constructed over the watercourse) and out across Wandilla Drive to the Morialta Conservation Park.

There is an existing cross-over to Wandilla Drive that is to be retained and re-used as access to the garage. Wandilla Drive is a sealed Council road, with upright kerb & gutter.

The Wandilla Drive and Baroota Avenue road reserve areas in front of the subject site are narrow and not well landscaped in comparison to the locality.

The Surrounding Area

The locality comprises large irregular shaped allotments that have been developed with detached dwellings and associated outbuildings

Dwellings in the locality vary in design, comprising a mix of single storey and two storey dwellings.

Buildings are typically well setback from the site boundaries, with front setbacks varying from X to Y.

Heavy landscaping comprising native vegetation is a feature of the locality.

The locality contains the Morialta Conservation Park, which is on the southern side of Wandilla Drive.

ii. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

The subject land lies within the Residential (Foothills) Policy Area of the Residential Zone and these provisions seek:

- *Detached dwellings at low densities on individual allotments.*
- *Residential development sensitive to the particular topography of the Policy Area.*
- *Development that contributes to the Desired Character of the Policy Area.*

Relevant sections of the Desired Character Statement seek:

- *The Policy Area will play an important transition role by separating the higher density urban area from the low-density, rural character of the Adelaide Hills.*
- *The streetscape will also be characterised by well landscaped front gardens and road verges and the presence of large Eucalypts.*
- *The Policy Area will be characterised by low-density built form comprising predominantly of large single storey and two storey detached dwellings on large allotments.*
- *Building setbacks will vary depending on the topography. Side and rear boundary setbacks will maintain a clear sense of space between dwellings and on sloping land will better address the potential impacts of overlooking, overshadowing, solar access and a sense of enclosure.*
- *Fences forward of the dwelling will be generally absent or low in height.*
- *Extensive front landscaping will be provided and mature native vegetation in front yards will be retained to soften direct views of dwellings from the road.*
- *Large retaining walls, consisting of a range of material including 'moss rocks' and brick walling will be 'stepped' to minimise their visual impact.*
- *Garages and outbuildings will vary in terms of size and siting, with some under the main roof or as freestanding carports or garages.*

The following are considered to be the relevant Policy Area provisions:

Objectives: 1, 2 & 3

PDCs: 1, 2, 6

Land Use

The proposal is consistent with Objective 1 and PDC 1 as it is for a detached dwelling on a large 1008 square metre allotment.

Form & Character

PDC 2 states that development should not be undertaken unless it is consistent with the Desired Character for the Policy Area.

The Desired Character Statement can generally be broken down into relating to two areas, that being land use and design (built form & landscaping).

Land Use

'The Policy Area will be characterised by low-density built form comprising predominantly of large single storey and two storey detached dwellings on large allotments.'

Comment:

The proposal is consistent with this part of the Desired Character Statement as it is for a large two storey detached dwelling, on a large allotment.

Design

Built Form

'Building setbacks will vary depending on the topography. Side and rear boundary setbacks will maintain a clear sense of space between dwellings, and on sloping land will better address the potential impacts of overlooking, overshadowing, solar access and a sense of enclosure.'

Comment:

The subject land is flat, along with the adjoining property to the west – 16 Wandilla Drive. Wandilla Drive in general is a more level section of the Policy Area.

The western side lower level of the dwelling is setback 1.2m from the shared boundary with 16 Wandilla Drive at the closest point, tapering out to 4.5m.

The lower level of the two storey dwelling on 16 Wandilla Drive is setback approximately 600mm from the shared boundary with the subject land at the closest point, tapering out to 9.5m.

The proposed dwelling is setback 5.3m from the rear boundary at the closest point (measured from the attached verandah/alfresco at the rear).

PDC 6 provides quantitative guidance as to the minimum side and rear boundary setbacks. The quantitative guidance gives an indication as to what setback will maintain a clear sense of space.

This is discussed further later in the report.

'Fences forward of the dwelling will be generally absent or low in height.'

Comment:

Fencing associated with the dwelling is located parallel to the front façade of the dwelling as it faces Wandilla Drive, and also along the eastern side and rear boundaries as they address Baroota Avenue.

Fencing consists of 1.5m high solid Colorbond fencing, with feature 300mm high vertical aluminium open slats at the top of the fencing (combined height 1.8m) which sits atop concrete sleeper retaining walls (combined maximum height 2.9m).

There is no fencing forward of the dwelling as it faces the primary street frontage, that being Wandilla Drive.

The Desired Character Statement does not reference fencing to the side or rear of dwellings, so this would indicate an acknowledgement that there will be more substantial fencing on side and rear boundaries.

'Large retaining walls, consisting of a range of material including 'moss rocks' and brick walling, will be 'stepped' to minimise their visual impact.'

Comment:

The retaining walls associated with the proposal have a maximum height of 1m, so are not considered to be large. In any event, the majority of the retaining walls are retaining cut below ground level and will not be visible from the public realm.

'Garages and outbuildings will vary in terms of size and siting, with some under the main roof or as freestanding carports or garages.'

The garage has an area of 7m x 6m (42 square metres) and is under the main roof the dwelling. The garage is on the western side of the dwelling, with roller door facing towards Wandilla Drive.

Landscaping

'The streetscape will also be characterised by well landscaped front gardens and road verges and the presence of large Eucalypts.'

'Extensive front landscaping will be provided and mature native vegetation in front yards will be retained to soften direct views of dwellings from the road.'

The proposal includes a landscaping plan, consisting of native vegetation.

The area forward of the dwelling facing Wandilla Drive includes planting on the western side boundary adjacent to the driveway, feature planting highlighting the entrance to the dwelling and planting in front of fence that is parallel with the front façade of the dwelling, extending to the eastern side boundary.

The plant species to be utilised consist of 'Sticky Hop-Brush' to be planted alongside the driveway and in front of the fencing. 'Sticky Hop Brush' is a hedging plant that grows in height from 1.5-4m.

Plant species to be planted in front of the entrance to the dwelling consist of a mixture of 'Wreath Wattle', 'Black Anther Flax Lilly' and 'Soft Tussock Mat-rush.' 'Wreath Wattle' is a hedging plant that grows to a maximum height of 2m, 'Black Anther Flax Lilly' is a smaller flowering plant that grows to a maximum height of 1m, 'Soft Tussock Mat-rush is a ground cover that grows to a maximum height of 600mm.

In addition to landscaping in front of the dwelling, landscaping is also proposed inside the eastern side boundary and on Council road reserve in front of the proposed fencing along Baroota Avenue. Landscaping inside the eastern side boundary consists of 'Silver Banksia', which is a tree that grows in height between 2-8m. The landscaping on the Council road reserve consists of 'Black Anther Flax Lilly' which has been detailed above. The selection of 'Black Anther Flax Lilly' on the Council road reserve was made in consultation with the Council Civil Services section staff.

It is understood that a smaller plant species has been selected due to the limited space (approx. 3m width) for planting between the boundary of the subject land and the footpath on Baroota Avenue.

Recommended condition ten [10] requires the applicant to lodge and gain separate approval for the landscaping via an 'Alteration to Council Road Reserve Application under Section 221 of the Local Government Act.'

All landscaping species have been selected from Council's Native Habitat: Landscaping and Gardening Guide.

The road verge along Wandilla Drive and Baroota Avenue in front of the subject site is not well landscaped in comparison to the locality, lacking any large Eucalypts as noted in the Desired Character Statement.

PDC 6 provides setback, site coverage and off-street parking guidance.

Minimum setback from primary road frontage – 6 metres

The dwelling is setback between 7.8m to 4.5m from Wandilla Drive. The setback varies as the allotment does not have a regular alignment to Wandilla Drive. The setback aligns with the setback of the dwelling on the adjoining site at 16 Wandilla Drive, and still allows adequate space for landscaping forward of the dwelling.

Minimum setback from secondary road frontage – 2 metres

The dwelling is setback 8.2m to 17.3m from the Baroota Avenue road frontage to the east.

Minimum setback from side boundaries – 2 metres

The lower level of the dwelling is setback 1.2m from the western side boundary, for a maximum length of 9m, tapering out tapering out to 4.5m.

The minimum setback contributes to that portion of the Desired Character Statement that seeks to maintain a clear sense of space between dwellings. The departure from the quantitative setback guidelines is considered to be minor, and reasonable for the following reasons:

- The 1.2m setback is only provided for a portion of the lower level of the dwelling, with the remainder of the lower level of the dwelling setback in excess of 2m.
- The dwelling is of an articulated design, with the upper level of the dwelling recessed in from the lower level.
- A portion of the dwelling on the adjoining site at 16 Wandilla Drive is sited 600mm from the shared boundary, but the remainder of the dwelling is setback 9.5m from shared boundary (L-shaped design). This large setback is considered to contribute to maintaining a sense of space.
- The front yard of 16 Wandilla Drive is well landscaped, assisting to screen the subject site from the west.
- The visual impact of the reduced setback on the adjoining property at 16 Wandilla Drive is considered to be minimal as the lower level of the dwelling facing towards the subject site is a solid wall. There is only one upper level window facing east towards the subject site.
- The siting of the dwelling near the western side boundary maximises the sense of space to Baroota Avenue.
- The subject site is located at the fringe of the Policy Area, with no housing on the opposite side of Wandilla Drive, which is considered to assist in reducing its prominence within the Policy Area.

Minimum setback from rear boundary – 4 metres (single storey) and 8 metres (two storey)

The verandah/alfresco attached to the rear of the dwelling is setback 5.3m from the rear boundary at the closest point. The upper level of the dwelling is setback 9m from the rear boundary.

Maximum site coverage – 40 per cent

The ground floor level of the dwelling totals 316 square metres, and provides a 31 per cent site coverage.

Maximum building height (from natural ground level) – 8 metres

The dwelling has a maximum height of 8.7m above natural ground level (measured on the western side of the dwelling to the top of the roof peak). This is considered to be a minor departure.

Minimum number of onsite car parking spaces – 2 (one of which should be covered)

A double garage is provided, and this is setback in excess of 6m from the front boundary allowing for vehicles to be parked in front of the garage, resulting in a possible four on-site parking spaces.

The proposal is considered to be sufficiently consistent with PDC 6.

The following are considered to be the relevant Zone provisions:

Residential Zone

- *A residential zone comprising a range of dwelling types.*
- *Development that protects the visual and environmental assets which characterise the zone.*
- *Development that contributes to the desired character of the policy area.*

Objectives: 1, 2 & 3.

PDCs: 1, 6, 7 & 8.

Relevant sections of the Desired Character Statement seek:

- *Development in the zone generally comprising a variety of housing types at a variety of low and medium densities depending on the policy area in which they are located.*
- *Housing of contemporary design incorporating the use of verandahs, eaves, pitched roofs and a mixture of building materials to ensure that dwellings are attractive, visually interesting and well adapted to suite the local environment.*

Land Use

Objective 1 and PDC 1 of the Zone repeat Objective 1 and PDC 1 of the Policy Area.

Form and Character

PDC 7 seeks that development of more than one storey take into account the height and bulk of the proposed building relative to adjoining buildings by:

- a) incorporating stepping in the design in accordance with the slope of the land and;
- b) where appropriate stepping back the upper storey of a dwelling a greater distance from side and rear boundaries than the lower storey.

The proposal is considered to be consistent with part a) as it is a split level design that follows the contours of the land. The garage is lower than the remainder of the lower level.

The proposal is also consistent with part b) as the upper level is recessed and 'stepped in' from the lower level on the western side and rear of the dwelling.

The dwelling is not recessed on the east, but this is considered to be reasonable as there is a large setback maintained to the eastern side boundary (secondary street frontage to Baroota Avenue).

PDC 8 seeks garaging to be 6m in width, or less than 50 per cent of the site frontage, whichever is the lesser distance. The garage width is 7m facing the street, however this includes the two side wall column supports.

The proposal is reasonably consistent with PDC 8.

b) Council Wide provisions

The Council Wide provisions of relevance to this proposal seek (in summary):

- *Land uses designed to facilitate community surveillance.*
- *Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.*
- *Development designed and sited to conserve energy.*
- *Functional fences and wall that enhance the attractiveness of development.*
- *Protection of scenically attractive areas, particularly natural and rural landscapes.*

The following are considered to be the relevant Council Wide provisions:

Crime Prevention

Objective: 1

PDC: 2

PDC 2 seeks buildings to be designed to overlook public and communal streets to allow casual surveillance.

The dwelling has been designed to have the lower level home theatre living room and guest bedroom facing Wandilla Drive, with upper level living area and bedroom 2 fitted with full height unobscured glass to allow for casual surveillance of Baroota Avenue to the east.

The proposal is consistent with PDC 2.

Design And Appearance

Objectives: 1

PDCs: 1, 2, 3, 7, 9, 17, 20 & 22

PDC 2 relates to setbacks and seeks walls sited on or close to a side or rear boundary to minimise the visual impact of the building from adjoining properties, and to allow adequate sunlight to neighbouring buildings.

As discussed above the visual impact of the dwelling from the adjoining site at 16 Wandilla Drive with its reduced lower level setback relative to Policy Area PDC 6 is considered to be minimal. There is no overshadowing impact.

The proposal is considered to be sufficiently consistent with PDCs 2 and 17 in relation to overshadowing.

The dwelling and fencing will be constructed of non-reflective materials, which is consistent with PDC 3.

PDC 20 seeks for buildings to be designed so that the main façade faces the primary street frontage. The main façade of the dwelling faces Wandilla Drive, which is the nominated primary street frontage. The proposal is consistent with PDC 20.

PDC 22 states that buildings should be designed to avoid extensive areas of uninterrupted walling facing areas exposed to public view. The lower level and upper level of the dwelling will be visible from Wandilla Drive, and the upper level east and north facing (rear) elevations will be visible from Baroota Avenue. The Wandilla Drive façade is the articulated primary frontage, and the upper level elevations visible from Baroota Avenue are articulated with the use of windows and a chimney. The proposal is consistent with PDC 22.

Energy Efficiency

Objective: 1

PDCs: 1 & 2

PDC 1 aims to ensure that development provide for efficient solar access to buildings and open space all year round,

Further to this, PDC 2 states that buildings should be sited and designed:

- a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings, and
- b) so that open spaces associated with the main activity areas face north for exposure to winter sun.

As discussed above, the dwelling will not have any overshadowing of the nearest adjoining site – 16 Wandilla Drive, part a).

The open plan living area at the rear of the dwelling faces north, along with the covered outdoor entertaining area (verandah/alfresco). Provision for a swimming pool has been made to the north of the covered outdoor entertaining area, part b).

The proposal is consistent with PDC 2.

Landscaping, Fences And Walls

Objective: 2

PDC: 4

The proposal includes combined Colorbond fencing and concrete sleeper retaining walls parallel to the front façade of the dwelling and along the eastern side boundary and north boundary to Baroota Avenue.

PDC 4 provides design guide criteria specifically for fences and walls, including retaining walls.

Fences and walls, including retaining walls, should:

a) not result in damage to neighbouring trees

Comment:

There is no anticipated damage to neighbouring trees resulting from the proposal.

b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality

Comment:

The fencing is considered to be compatible with the associated dwelling. The fencing material is the same as the roof material, and its dark grey colour is considered to contrast with the lighter wall render colour.

The subject site is somewhat unique in the locality as it is a corner site that addresses three public roadways. There are two corner sites in the locality (sites visible from the subject site) that also have multiple frontages to public roads. These sites do not have Colorbond fencing, but these sites are different to the subject site.

The sites are:

22 Baroota Avenue - This site is directly opposite the subject site. It has a primary street frontage to Baroota Avenue and secondary street frontage to Marola Avenue. The Marola Avenue side boundary is not fenced, however the road verge in front the site in this location is at least 12m wide and fully planted with dense vegetation comprising mature Eucalypts and shrubs – no footpath.

14 Baroota Avenue - This site is to the north of the subject site. It has a primary street frontage to Baroota Avenue and secondary street frontage to Werona Place. The front façade of the dwelling addresses Werona Place. Solid timber fencing, comprised of untreated horizontal palings wrap around the Baroota Avenue frontages and sits atop timber round retaining walls. Solid Colorbond fencing can be found forward of the dwelling at 15 Baroota Avenue, and the adjoining site 16 Wandilla Drive has an enclosed brick double garage and part solid masonry and timber fence on the Baroota Avenue boundary (rear boundary).

Fencing along Wandilla Drive consists of solid timber fencing, Colorbond fencing and masonry fencing.

Google street view images from 2015 show the subject site was previously fenced with chicken wire and failing/falling down solid timber fence, with overgrown plant creepers. The timber fencing was low height with the washing line and underneath the undercover outdoor areas visible from the street.

The proposed fencing is considered to be an improvement on the previous fencing.

c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance

Comment:

The fencing is not forward of the dwelling facing Wandilla Drive, allowing for casual surveillance across the street to the Conservation Park. The upper level of the dwelling with unobscured full height east facing windows will allow for casual surveillance across Baroota Avenue.

d) incorporate articulation or other detail where there is a large expanse of wall facing the street

Comment:

The eastern side boundary has a length of 25m and the northern (rear) boundary has a length of 30m. The entire length of both of these boundaries is to be fenced, which is considered to be a large expanse of wall. Open vertical slat detail has been included as a feature at the top of the fence sheeting to a height of 300mm (combined height of solid sheeting and open slat detail – 1.8m) to assist with breaking up the solid expanse. Furthermore, the two storey design of the dwelling is considered to break up the bulk of the fencing to some degree as the upper level will be visible above the top of the fencing – e.g. views from the public roadways will be both of the fencing and dwelling, not fencing only.

e) assist in highlighting building entrances

Comment:

The fencing is not forward of the dwelling facing Wandilla Drive, so the front entrance is not obscured.

f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites

Comment:

The subject land is a corner site. Council Engineering have advised the fencing will not obscure driver sightlines at the intersection of Wandilla Drive and Baroota Avenue.

g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land

Comment:

The 1.5m height of the solid fence sheet panels is of a sufficient height to maintain the privacy of the private open space (including swimming pool) associated with the dwelling on the subject land. It is acknowledged that the fencing is a large expanse of wall associated with a site that is currently open on all sides to the public realm. However, as discussed earlier the subject site is somewhat unique in the locality given it shares three boundaries with public roads and there is very limited vegetated screening on the adjoining Council road reserve.

The proposed landscaping comprised of taller tree plantings on the subject site behind the fencing and smaller flowering planting in front of the fencing on the Council road reserve will assist in softening the appearance of the fencing.

h) be constructed of non-flammable materials

Comment:

Colorbond fence sheeting and concrete sleeper retaining wall selected are non flammable materials.

i) be constructed of non-reflective materials

Comment:

The Colorbond fence sheeting is to be 'Woodland Grey' in colour. This is a dark colour, that will blend with the natural surrounds of the locality.

The proposal is sufficiently consistent with PDC 4.

Residential Development

Objective: 1

PDCs: 4, 8, 9, 10, 13, 16, 17, 18, 19, 20, 21, 27 & 28

PDC 16 relates to swimming pools and states that such structures and associated ancillary equipment should be sited to protect the privacy and amenity of adjoining residential development.

PDC 28 relates to this as it states that noise generated by fixed noise sources such as pool pumps (and air-conditioning) units should be located, designed and attenuated to avoid nuisance to adjoining landowners and occupiers.

The swimming pool and associated pump are included as part of the application, but will be constructed by another party, not the applicant (separate contact). The swimming pool and pump are sited near the western side boundary with the adjoining property at 16 Wandilla Drive, along with the air-conditioning unit attached to the dwelling. Representor concern was raised that these services may cause a noise nuisance.

The Development Regulations (2008) sets-out that under certain circumstances swimming pools, including associated pumps are Building Rules Consent only forms of development, not requiring a Development Plan assessment.

The swimming pool and associated pump both meet the criteria to be assessed as Building Rules Consent only forms of development. This criteria includes the placement of pool pumps at least 5m or more from dwellings on adjoining allotments, where they are fully enclosed (sound proofed) to negate noise nuisance.

The proposed pool pump is to be fully enclosed and sited at least 5m from the dwelling at 16 Wandilla Drive.

Domestic fixed machinery noise nuisance thresholds are also set-out in the Environment Protection Authority (EPA) Noise Policy (2007). Noise believed to be in excess of the guidelines set-out in the Noise Policy can be considered against the separate Local Nuisance and Litter Control Act (2016) administered by Council.

PDCs 18, 19, 20 & 21 relate to private open space.

The proposal is consistent with the private open space provisions as follows:

- The private open space proposed exceeds the minimum area dimensions.
- The private open space is provided at ground level, and directly accessible from ground level living areas of the dwelling.
- The private open space is screened by the proposed boundary fencing to minimise overlooking from adjacent buildings; and
- The undercover outdoor entertaining area and swimming pool are sited on the northern side of the dwelling.

PDC 27 relates to visual privacy and states that:

“Except for buildings of 4 or more storeys, upper level windows, balconies, terraces and decks that overlook habitable room windows or private open space of dwellings should maximise visual privacy through the use of measures such as sill heights of not less than 1.5 metres or permanent screens having a height of 1.5metres above finished floor level.”

The upper level west facing windows are from a bedroom and stairwell. The bedroom window has a sill height of 1.6m above finished floor level. The stairwell has a height of 1.4m above finished floor level. The reduced height of the stairwell window is considered to be reasonable as it is not a habitable room and the potential for overlooking is minimised by its use.

The east facing upper level windows are full-height and unobscured as they address a public road - Baroota Avenue.

The Good Residential Code does not require privacy treatment to upper level windows that face a public roadway where the roadway and road verge have a minimum width of 15m. The Baroota Avenue roadway (including road verge is 20m wide).

Siting And Visibility

Objective: 1

PDC: 4, 5, 6 & 10

PDC 4 states that the excavation and/or filling of land should:

- a) be kept to a minimum and be limited to no greater than 1.5 metres in height to preserve the natural form of the land and the native vegetation, unless the built form obscures views of the earthworks from adjoining land.

The depth of excavation and filling is significantly less than 1.5m and there is no 'natural' land form to maintain as the site was generally levelled to accommodate the previous dwelling.

Other Matters

Representor concern was raised that the applicant may not have had regard to the construction requirements relating to development in a Bushfire Protection Area when designing the dwelling. The site is in an Excluded Bushfire Protection area, but the Conservation Park directly opposite is within a High Bushfire Protection Area.

Staff have discussed this matter with the applicant, and included note eight [8] as a reminder of this matter to the applicant and building rules private certifier.

The Bushfire Protection Area construction requirements are a building rules matter and do not need to be assessed for Development Plan Consent purposes.

The Department of Environment & Water (DEW) representation regarding the proposal (amongst other matters) was that construction work must not have a detrimental impact on the watercourse, including that building materials or excavated soil associated with construction, must not enter the watercourse. Recommended condition five [5] requires the applicant to provide a soil, erosion, drainage management plan (SEDMP) detailing methods to manage construction to ensure that materials are not deposited into the watercourse during construction.

7. SUMMARY & CONCLUSION

The proposal is for the construction of a two storey split level detached dwelling, with associated combined fencing and retaining walls in the Residential Foothills Policy Area of the Residential Zone. The main issue relating to the proposal is impact on visual amenity associated with the reduced setback of the dwelling to the western side boundary, and solid Colorbond fencing and retaining walls adjoining public roadways. In the Residential Foothills Policy Area large two storey buildings are clearly anticipated, provided associated amenity issues are addressed. In regards to the side boundary setback, the proposal's departure from the quantitative provisions of the Policy Area is considered to be minor, and the potential visual impact is considered to be minimal on the adjoining property at 16 Wandilla Drive. In addition, the intent of the setback provision as expressed in the Desired Character Statement is still achieved, -with the building still well setback to maintain a sense of space.

In regards to the fencing, it is acknowledged that there will be a large expanse of uninterrupted solid wall facing public streets. However, the fencing is required to maintain the privacy of the private yard area (including swimming pool) associated with the dwelling. The subject site is somewhat unique as it is more open to the public realm due to the narrow road verge in front of the site which lacks dense landscaping as exists elsewhere in the locality and which is noted in the Desired Character of the Policy Area. The fencing is of a dark colour, which blends with the natural surrounds of the locality, and incorporates feature open vertical slats at the top of the fencing to provide some visual interest. Landscaping has been incorporated as part of the proposal, both on the subject site and Council road reserve, to soften the appearance of the fencing.

The proposal is sufficiently consistent with the relevant provisions of the Development Plan, and it is considered the proposal is not seriously at variance with the Development Plan. In the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend that Development Plan Consent be **GRANTED**, subject to conditions.

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent to Development Application 18/749/473 by Precision Homes for Two storey split level detached dwelling, combined fence & retaining walls (maximum height 2.9m), in ground swimming pool & associated earthworks at 18 Wandilla Drive Rostrevor subject to the following conditions:

(1) Development In Accordance With The Plans

The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- Amended site plan (drawing SK01, revision F) by Precision Homes dated 22 October 2018
- Amended landscaping plan (drawing SK02, revision F) by Precision Homes dated 22 October 2018
- Amended combined fence & retaining wall elevation (drawing SK03, revision F) by Precision Homes dated 22 October 2018
- Amended ground floor plan (drawing SK04, revision F) by Precision Homes dated 22 October 2018
- Amended first floor plan (drawing SK05, revision F) by Precision Homes dated 22 October 2018
- Amended north & east elevation plan (drawing SK06, revision F) by Precision Homes dated 22 October 2018
- Amended south & west elevation plan (drawing SK07, revision F) by Precision Homes dated 22 October 2018
- Amended roof plan (drawing SK08, revision F) by Precision Homes dated 22 October 2018
- Amended building areas plan (drawing SK09, revision F) by Precision Homes dated 22 October 2018
- Amended site & drainage plan (drawing 180328, revision B) by Lelio Bibbo dated 28 September 2018

REASON: To ensure the proposed development is undertaken in accordance with the approved plans.

(2) Vehicle Access Point(s) Line Of Sight

The vehicle access point(s) and cross-over(s) shall be kept free of any obstructions that may obscure the line of sight of a driver eg., vegetation, letterboxes, fences.

REASON: For safe and convenient movement of vehicles.

(3) Residential Lighting

All external lighting shall be directed away from residential development, and shielded if necessary, to prevent light spill causing nuisance to the occupiers of those residential properties.

REASON: Lighting shall not detrimentally affect the residential amenity of the locality.

(4) External Finishes

The external finishes to the building herein approved shall be as follows:

WALLS: Mixture of brickwork and plasterboard sheeting rendered in Dulux 'Sandy Grey' with Colorbond® roller door 'Gully' colour or similar
ROOF: Colorbond® 'Gully' or similar

REASON: The external materials of buildings should have surfaces which are of a low light-reflective nature and blend with the natural rural landscape and minimise visual intrusion.

(5) Prior to Building Rules Consent Being Granted - Requirement for Soil Erosion And Drainage Management Plan (SEDMP)

Prior to Building Rules Consent being granted the applicant shall prepare and submit to Council a Soil Erosion and Drainage Management Plan (SEDMP) for the site for Council's approval. The SEDMP shall comprise:

- a major drainage plan,
- a site plan,
- supporting report,
- calculations,
- design sketches that detail erosion control methods and installation of sediment collection devices that will prevent:
 - a. soil moving off the site during periods of rainfall;
 - b. soil moving into watercourses during periods of rainfall; and
 - c. soil transfer onto roadways by vehicles and machinery

The works contained in the approved SEDMP shall be implemented prior to construction commencing and maintained to the reasonable satisfaction of Council during the construction period.

REASON: Development should prevent erosion and stormwater pollution before, during and after construction.

(6) Soil Erosion Control

Prior to construction of the approved development straw bales (or other soil erosion control methods as detailed in the SEDMP approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during periods of rainfall.

REASON: Development should prevent erosion and stormwater pollution before, during and after construction

(7) Stormwater Overflow Directed To Street

All roof runoff generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street (via a pump if necessary) or a Council drainage easement, to the satisfaction of Council, within one month of the roof cladding being installed. All roof and hard paved water runoff shall be managed to prevent trespass onto adjoining properties and into the effluent disposal area where an on-site waste control system exists. Overflow from rainwater tanks is to be directed to the street (via a pump if necessary) or managed on-site, to the satisfaction of Council, using design techniques to the satisfaction of Council.

REASON: To minimise erosion, protect the environment and to ensure no ponding of stormwater resulting from development occurs on adjacent sites.

(8) Window & Screening

The west facing upper level bedroom window shall have a sill height of at least 1.5m above finished floor level. Where the sill height is less than 1.5m above finished floor level, the window shall be fixed, unable to be opened and provided with obscure glazing to a height of 1.5m above finished floor level.

The screening shall obscure views to adjoining properties to the reasonable satisfaction of Council.

Other forms of privacy screening may be a suitable alternative to the above, provided it can be demonstrated to Council that the alternative screening solution will prevent overlooking.

REASON: Buildings should be designed to not cause potential for overlooking of adjoining properties.

(9) Swimming Pool Backwash Water

Backwash water from swimming pool filter(s) shall be directed to the sewer. Backwash water shall not be directed to any watercourse, dam or stormwater system. A separate on-site dedicated soakage or irrigation area shall be designed for this purpose.

REASON: To prevent pollution and environmental harm.

(10) Landscaping To Be Planted, Including Separate Approval For Landscaping on Council Road Reserve

a) Landscaping, detailed in the landscaping plan (sheet SK02 by Precision Homes) shall be planted in the planting season following occupation of the dwelling and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.

- b) A separate application for 'Works/Alterations On A Road Reserve' shall be submitted to, and approved by Council, prior to any planting on the Council road verge occurring. An application form can be downloaded from:
<https://www.ahc.sa.gov.au/ahcresident/Documents/180718%20s221%20Road%20Reerve%20Agreement%202018-19.pdf>

REASON: To maintain and enhance the visual amenity of the locality in which the subject land is situated and ensure the survival and maintenance of the vegetation.

NOTES

- (1) **Development Plan Consent Expiry**
This Development Plan Consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced the date on which it is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the DPC, or a fresh development application will be required. The twelve (12) month time period may be further extended by Council agreement following written request and payment of the relevant fee.
- (2) **Requirement For Retaining Wall To Be Constructed Prior To Works Commencing**
The retaining walls on the side boundaries of the property, as described on the site & drainage plan stamped as part of this authorisation, shall be constructed prior to the commencement of the construction of the dwelling.
- (3) **Public Utility Services**
Public utility services, including light poles and conduits, may be present in the road reserve area and it is the property owner's responsibility to ensure these services are not damaged as a result of the development. It is the property owner's responsibility to negotiate the alteration of services in the road reserve. All services within the road reserve should be located prior to any excavation.
- (4) **Swimming Pool Pumps & Filters**
Pumps and filters must be located and operated so as not to emit noise levels in excess of the applicable Environment Protection (Noise) Policy 2007. The maximum noise level shall not exceed 45db(A) from 10:00pm on any night until 7:00am the following morning.
- (5) **Swimming Pool Chemicals**
No spillage of waste shall occur from the storage or use of pool chemicals. Disposal of any chemicals shall only occur at the EPA Household Hazardous Waste Depot (Phone 8204 1947) or through a licensed waste contractor.
- (6) **Requirement for SA Water Approval To Fill Swimming Pool**
New pools or spas may only be filled under the authority of a permit from SA Water. The applicant is advised to obtain a permit to fill the pool with water from SA Water before proceeding with the installation of the swimming pool. SA Water advises that a permit will not be granted unless proof is provided that a cover has been purchased to prevent water loss through evaporation.

(7) **Works On Boundary**

The development herein approved involves work on the boundary. The onus of ensuring development is in the approved position on the correct allotment is the responsibility of the land owner/applicant. This necessitates a boundary identification survey being carried out by a licensed land surveyor prior to the work commencing.

(8) **Bushfire Attack Levels (BAL) in Excluded Areas**

Where the site of the development is located in an “Excluded Area”, bushfire construction provision may still apply at the Building Rules Assessment Stage (Refer to NCC SA 3.7.4.2)

For a site located within an Excluded Area and within 500m of a High Bushfire Risk area, as identified in the Development Plan, the National Construction Code requires the BAL - Low design criteria to be applied,

For a site located within an Excluded Area within 100m of a High Bushfire Risk area, as identified in the Development Plan, the National Construction Code requires that the BAL criteria relevant to the site must be determined for the site in accordance with AS 3959, and the relevant BAL design criteria applied to the buildings on the site.

9. **ATTACHMENTS**

Locality Plan
Proposal Plans
Referral Responses
Representations
Applicant’s Response To Representations
Publically Notified Plans

Respectfully submitted

Concurrence

Marie Molinaro
Statutory Planner

Deryn Atkinson
Manager Development Services