

COUNCIL ASSESSMENT PANEL MEETING

14 October 2020

AGENDA – 9.1

Applicant: Neville Roberts	Landowner: Dodd Nominees Pty Ltd
Agent: Olden & van Senden and Peter Meline	Originating Officer: Melanie Scott
Development Application:	20/581/473 20/C24/473
Application Description: Community Division (1 into 4) & associated building works (non-complying)	
Subject Land: Lot:54 Sec: P94 FP:157900 CT:5564/877	General Location: 1-4/150 Mount Barker Road, Aldgate Attachment – Locality Plan
Development Plan Consolidated : 8 August 2019 Map AdHi/29	Zone/Policy Area: Country Living Zone & Country Living (Stirling and Aldgate) Policy Area
Form of Development: Non-complying	Site Area: Approx. 2261m ²
Public Notice Category: Category 3 Notice published in The Advertiser on 14 August 2020	Representations Received: Nil Representations to be Heard: N/A

1. EXECUTIVE SUMMARY

The purpose of this application is to separate four existing dwellings into individual community titled allotments. Included is common property consisting of an internal driveway with CFS turnaround and lawn/garden area. Two of the allotments are piece arrangements to ensure vehicle parking is as per existing on-ground arrangements.

The land division triggers building upgrades for fire separation, which are also included as part of the proposal.

Allotments for the dwellings range in size from 189 m² to 315 m², with the allotment boundaries following existing built form, parking and manoeuvring areas.

The subject land is located within the Country Living (Stirling and Aldgate) Policy Area of the Country Living Zone. The proposal is a non-complying form of development as the allotment sizes are less than 2000m² as per Zone procedural matters. No representations were received during the Category 3 public notification period.

As per the CAP delegations, the CAP is the relevant authority for non-complying land division development.

Following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that CAP **GRANT** Development Plan Consent and Land Division Consent.

Note, concurrence from SCAP is no longer required for consents to non-complying development effective 15 May 2020 as a result of the COVID-19 Emergency Response (Further Measures) Amendment Bill 2020 and subsequent amendment to Section 35 of the Development Act 1993 to delete the need for concurrence to be obtained.

2. DESCRIPTION OF THE PROPOSAL

The proposal is for the creation of three additional allotments by way of community title division, with associated common property and building upgrades.

Existing Allotments

Allotment	Area (m ²)	Currently containing
54	Approx. 2261 m ²	Four dwellings built in two groups of two, shared access and landscaping

Proposed Allotments

Allotment	Area (ha)	Containing
21	315 m ²	Two bedroom dwelling, single carport and visitor parking space
22	189 m ²	Two bedroom dwelling, single carport and visitor parking space
23* & 24*	246 m ²	Two bedroom dwelling, single carport and visitor parking space
25* & 26*	200 m ²	Two bedroom dwelling, single carport and visitor parking space

The proposed plan is included as ***Attachment – Proposal Plans*** with other information included as ***Attachment – Applicant's Professional Reports***.

3. BACKGROUND AND HISTORY

A search of Council records could not find the approval for the dwellings. However, they appear to be of 1970s or 1980s construction.

4. REFERRAL RESPONSES

- **DPTI (Commissioner of Highways)**
DPTI has no objection to the proposal, but have suggested conditions in relation to access from Mount Barker Road and stormwater discharge to the road which staff agree with. See recommended conditions 2-5.
- **SA WATER**
SA Water noted standard requirements.

In addition, the applicant's agent sought informal referral advice from the CFS regarding access. The access arrangement as shown on the amended plan of division has been accepted by the CFS. The amended plan was submitted in response to a staff request to demonstrate CFS access. No other changes were made 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. No representations were received during the public notification period.

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 a regular rectangular allotment, with an area of approximately 2261 square metres. The land contains four dwellings, in two groups of two which are located at the rear of the land. Forward of the dwellings is a large landscaped lawn area, and on the eastern side is a sealed driveway.

The dwellings are setback approximately 40m from the front boundary, and are not visible from Mount Barker Road. The land is provided with mains water, sewer and electricity supply.

ii. The Surrounding Area

The surrounding area is largely residential in nature and contains single dwellings on large allotments, with some commercial development to the east and west. The median allotment size is 1986m². Most allotments in the locality are regular rectangular in shape, but a few examples of hammerhead allotment configurations also exist.

iii. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

The subject land lies within the Country Living (Stirling and Aldgate) Policy Area and these provisions seek:

Policy Area

- *Development that contributes to the desired character of the Policy Area.*

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

Objective: 1

PDC: 1

Objective 1 and PDC 1 seek for development to contribute to the desired character of the Policy Area.

The following is considered to be relevant from the Desired Character Statement:

Mount Barker and Strathalbyn Road provide the main road access routes through the Policy Area. Development adjoining these roads will feature generous setbacks, frontages and landscaping to ensure that their function and operation as arterial roads is retained.

Outside the District and Neighbourhood Centres, land uses will be predominantly residential apart from community related activities such as schools and churches, and small scale tourist accommodation premises scattered throughout the Policy Area. Residential densities will remain very low, apart from some pockets of higher density retirement housing.

Land division potential, will remain limited within the Policy Area, however additional allotments will be created where they complement the character of the locality in terms of size and frontage. 'Hammerhead' allotments will be developed where their shape and associated access 'handles' do not negatively impact on the character of the locality.

The land use will not alter as a result of the proposal. The proposed land division is a 'hammerhead' allotment arrangement, but the allotment boundaries follow existing "on-the-ground" features and the proposal will have no noticeable impact on the character of the locality.

The existing large landscaped lawn area forward of the dwellings is to be retained, and has been nominated as common property so there will be no change to the existing generous built form setback to Mount Barker Road.

The proposed land division is not considered to increase possible development opportunity. It is noted there is nothing to limit a development application being submitted for further residential development forward of the existing dwellings, however, the current development policies for the zone discourage higher residential density.

Country Living Zone

- *A residential Zone primarily comprising of detached dwellings at very low densities, including affordable housing.*
- *Development that contributes to the desired character of the Zone.*

The following are considered to be the relevant Zone provisions:

Objectives: 1 & 2

PDCs: 1, 2, 6, 14 & 15

Objective 1 and PDC 6 seek for development to contribute to the desired character of the Zone.

The following is considered to be relevant from the desired character statement:

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 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 issues such as access, vegetation removal, stormwater management, and slope as well as the provision of essential services have been appropriately addressed.

The proposed allotments are much smaller in size than that anticipated by PDCs 14 and 15, which seek for allotments to match the prevailing character and size of allotments in the locality and be a minimum 2000 square metres in area (or median in the locality, whichever is greater).

However, the desired character statement does contemplate a significant variance in allotment size and shape in response to the features of the land.

The allotment sizes are dictated by the existing built form, driveway and parking areas. Whilst the allotments are smaller than the median allotment size and the development is non-complying due to the allotment size trigger this is not considered fatal to the proposal, despite PDC 2 stating that non-complying development is generally inappropriate.

The proposal is considered to have merit as it will have no visible impact in the Zone, and has the benefit of formalising parking areas, CFS access and common property for a historic multiple dwelling development. As noted earlier, the land division is not considered to increase the potential for further residential development which would be at variance with Objective 1 in achieving low density residential development.

b) Council Wide provisions

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

- *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, including landscape and environmental 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*

- *Development that provides safe and efficient movement for all transport modes and provides off street parking*

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

Land Division

Objectives: 1, 2, & 4

PDCs: 1, 2, 7 & 10

The proposal is somewhat unusual in that the land division is following the land use construction which occurred many years ago.

The land division will not alter the use of the land and is considered an orderly form of development in regard to existing built form, access, parking and common property.

As a community title land division there are implied easement rights for the provision of services, so there are no expected changes to stormwater management or service provision. Letterboxes are contained within the common property area.

PDC 10 relates specifically to land division for battle axe allotment configuration, which the proposal is a form of.

The proposal is consistent with PDC 10 in regards to the width of the access handle and inclusion of turnaround areas to ensure vehicles enter and exit Mount Barker Road in a forward direction.

PDC 10 does also seek for battle axe allotments to have an area of at least 1000 square metres, (except where a greater minimum allotment size is specified) and for the creation of battle axe allotments to be avoided where they would be incompatible with the prevailing pattern of development.

Although the proposal is partly at variance with PDC 10 because the allotments do not meet the minimum allotment size this is not considered to be fatal to the application, noting that the land division is following the historic land use. Whilst the general allotment pattern in the locality is regular rectangular there are a few examples of hammerhead allotments. As previously mentioned it is considered there will be no noticeable impact on character as a result of the proposal and the current dwelling status quo is maintained.

Orderly and Sustainable Development

Objectives: 1 & 4

PDC: 1

The proposal is considered to be an orderly form of development. The development should not prejudice the intended purpose of the Country Living Zone as being primarily for low density residential development as the built form currently exists.

The site is an historic anomaly in that it contains four dwellings. As discussed earlier, the land division is not considered to increase potential development opportunity. The large portion of land between the dwellings and Mount Barker Road has been nominated as common property. In any event, current development principles in the Zone discourage an increase to residential development even if an application is made for additional dwellings on this property.

Transportation & Access

Objective: 2

PDCs: 34, 45 & 46

The Commissioner of Highways reviewed the proposal and no objections were raised but several conditions were suggested. Staff agree with advice and the conditions in relation to access and stormwater discharge are all recommended – see conditions 2-5.

The conditions will help to ensure safe and convenient access is provided in regard to keeping the access handle clear of obstructions and re-enforcing vehicles are to enter and exit the land in a forward motion.

PDCs 34, 45 and 46 provide guidance to off-street parking requirements. Each dwelling is provided with two parking spaces – one covered and one uncovered. Table AdHi/4 – off-street vehicle parking requirements sets out that for a dwelling containing two bedrooms two off-street parking spaces should be provided. In addition for every four dwellings sharing a common driveway one visitor parking space should be provided.

A shared visitor parking space is not provided, however a shortfall of one space is not considered to be significant in the consideration of the proposal.

Other Matters

The land division also triggers the need to assess building upgrades for fire walls between each group of two dwellings. It is recommended that the construction of the fire walls to Council satisfaction is undertaken as a Section 51 clearance requirement to ensure this work is completed (refer Land Division Condition 1). The firewall detail plans are included in the proposal plans and require a building rules assessment.

7. SUMMARY & CONCLUSION

The proposal is for a community title land division to separate four existing dwellings into individual titles with associated common property. The land is in the Country Living Zone and the proposal is a non-complying form of development as the allotments do not meet the minimum 2000m² allotment size.

Despite being non-complying the proposal is considered to have merit. The land division is consistent with the existing land use and will have no visible impact on character. The proposal will provide certainty in regard to formalising access, parking and shared common land. The proposal is not considered to increase opportunity for further residential development, which would be at variance with the objective of the Country Living Zone in being a low density residential locality.

Associated with the proposal is firewall treatment to the dwellings which will be assessed at the building rules stage.

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 the Council Assessment Panel **GRANT** Development Plan Consent & 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 GRANTS Development Plan Consent and Land Division Consent to Development Application 20/581/473 (20/C24/473) by Neville Roberts for Community Division (1 into 4) & associated building works (non-complying) at 1-4/150 Mount Barker Road, Aldgate 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 (version 1D – map ref. 6627-3-B) by Olden & van Senden dated 17 September 2020

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

2) Vehicle Movement

All vehicles must enter and exit Mount Barker Road in a forward direction.

REASON: DPTI condition for safe and convenient traffic movement.

3) Access to Mount Barker Road

All vehicle access shall be gained via the common property (CP2) only. This driveway shall connect to Mount Barker Road via the existing shared crossover.

REASON: To minimise the number of access points onto Mount Barker Road.

4) Stormwater management

Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Mount Barker Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

REASON: To maintain traffic safety on Mount Barker Road.

5) Maintenance of the sealed common driveway and car parking area

The surface treatment detail within the common driveway and car parking areas shall be maintained in good condition at all times. The common driveway shall be kept clear of obstructions at all times.

REASON: To provide adequate, safe and efficient movement of people and goods.

Planning Notes

1) Development Plan Consent

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.

Council Land Division Statement of Requirements

1) Prior to Section 51 Clearance – Requirement for Completion of Building Upgrades

Prior to Section 51 clearance the proposed building upgrades to install firewalls in the buildings shall be completed to Council satisfaction.

REASON: To ensure section 33(1)(c)(v) of the Development Act 1993 is met.

Council Land Division Notes

1) Council Rubbish Collection

The applicant is advised that Council rubbish and recycling trucks will not enter the subject land. All collections will be from the kerbside. The onus is therefore on future land owners/occupiers to ensure that refuse bins are placed in suitable locations on the road verge so as to not obstruct motorists or pedestrians.

SCAP 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 H0099055). SA Water advises that on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees. The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

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 \$22,848.00 into the Planning and Development Fund (3 allotment/s @ \$7,616.00 /allotment). 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 Department of Planning, Transport and Infrastructure 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.

SCAP Land Division Notes

Nil

9. ATTACHMENTS

Locality Plan
Proposal Plans
Applicant's Professional Reports
Referral Responses

Respectfully submitted

Concurrence

Melanie Scott
Acting Team Leader Statutory Planning

Deryn Atkinson
Assessment Manager



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Scale = 1:752.220

20 m



Annotations

Subject Land

Planners Summary

PlanningSummary

AHC Core

Parks

Townships

RoadsStreetView

ADJOINING LGA RD

AHC & PRIVATE

AHC RD

DPTI RD

PRIVATE RD

SHARED RD

Parcels

Roads

Suburbs

Rivers

River

Creeks

Streams

Burnt Area Cudlee Creek

CudleeCreekBurntArea

Flood Study Data

TorrensFloodZones_20Yr

TorrensFloodZones_100Yr

OnkaFloodPlain10Yr

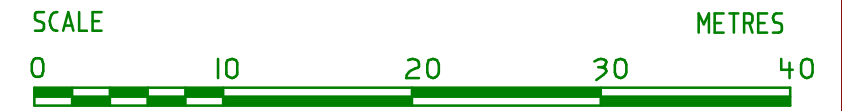
FloodPlain100Year

Stormwater Updated

02/06/2020
EDALA 68071
DA 473/C024/20

MAP REF	6627-3-B	DEV. NO.	
TITLE SYSTEM	REAL PROPERTY ACT		
TITLE REFERENCE	CT 5564/877		
IRRIGATION AREA DIVISION		
HUNDRED	NOARLUNGA		
AREA	ALDGATE		
COUNCIL	ADELAIDE HILLS COUNCIL		

PLAN OF COMMUNITY DIVISION
ALLOTMENT 54 IN F157900



STATEMENTS CONCERNING EASEMENTS ANNOTATIONS AND AMENDMENTS:

ALL DATA SUBJECT TO SURVEY

IMPORTANT NOTICE:

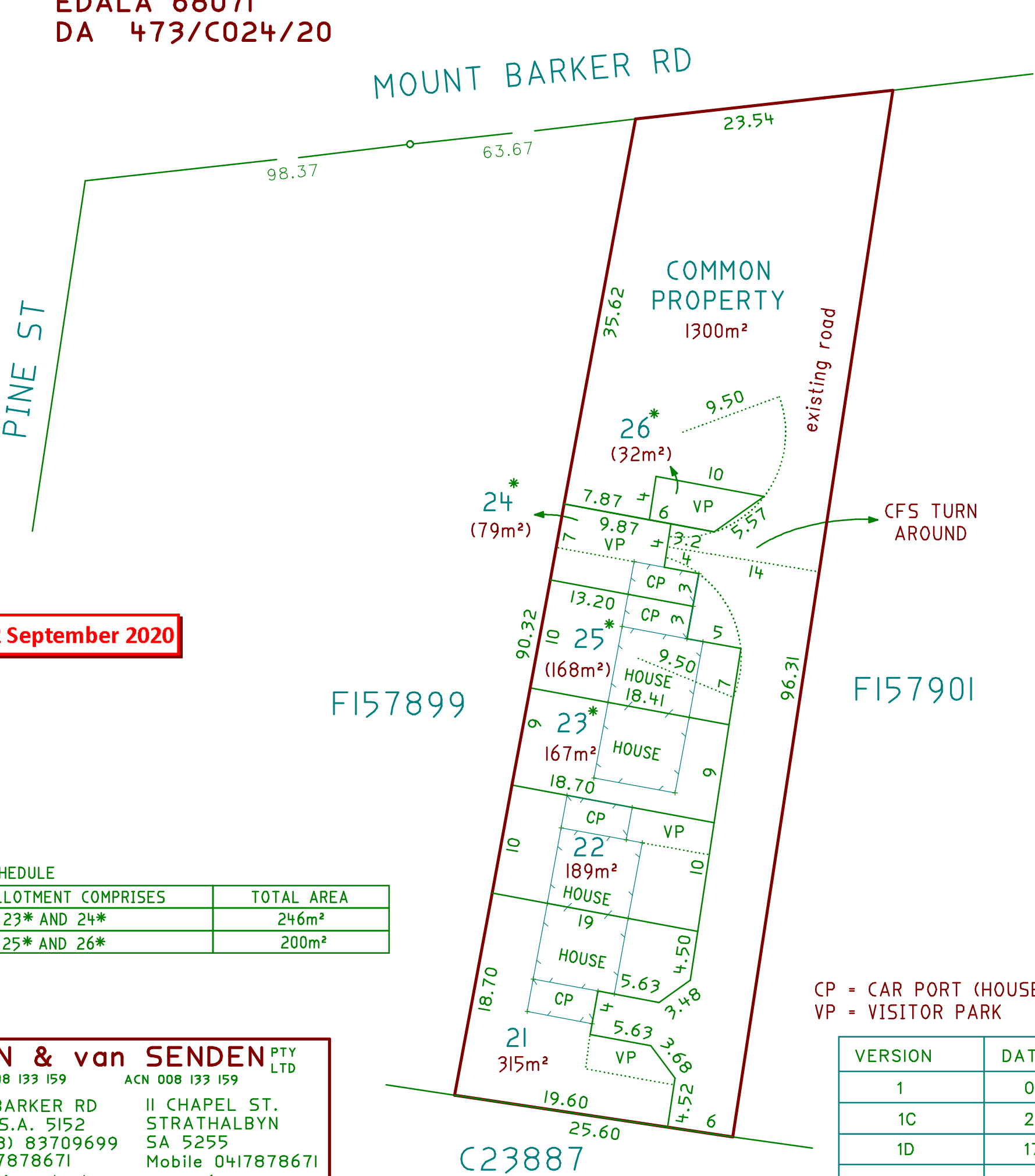
This plan was prepared for N & H DISTRIBUTORS as a proposed community division to accompany a Development Application to THE ADELAIDE HILLS COUNCIL and should not be used for any other purpose.

The dimensions, area and total number of allotments shown hereon may be subject to field survey and also the requirements of council as well as any other authority which may have requirements under any relevent legislation. In particular no reliance should be placed on this plan for any financial dealings involving the land.

This note is an integral part of this plan.

ALL DISTANCES ARE GROUND DISTANCES

LOT SUMMARY	
TOTAL AREA	2250m²
RESERVE AREA	NIL
NO. OF EXISTING ALLOTS	1
NO. OF ADDITIONAL LOTS	3
LENGTH OF NEW ROAD	NIL
CONTOUR INTERVAL	N/A



AMENDED 22 September 2020

PIECES SCHEDULE	
ONE ALLOTMENT COMPRISES	TOTAL AREA
23* AND 24*	246m²
25* AND 26*	200m²

OLDEN & van SENDEN

PTD LTD

ABN 47 008 133 159

ACN 008 133 159

3/42 MT BARKER RD

STIRLING S.A. 5152

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Mobile 0417878671

Email olvs@bigpond.net.au

II CHAPEL ST.

STRATHALBYN

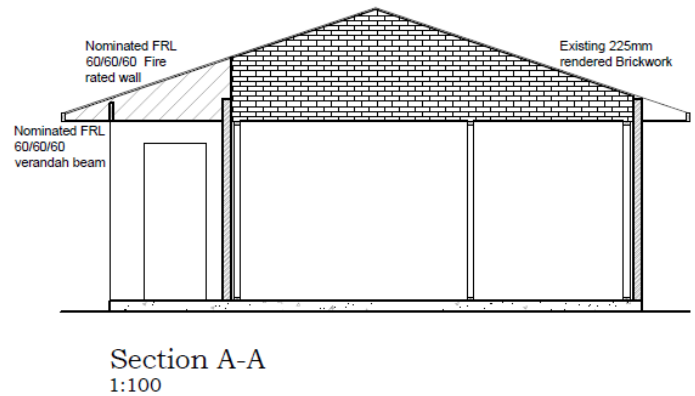
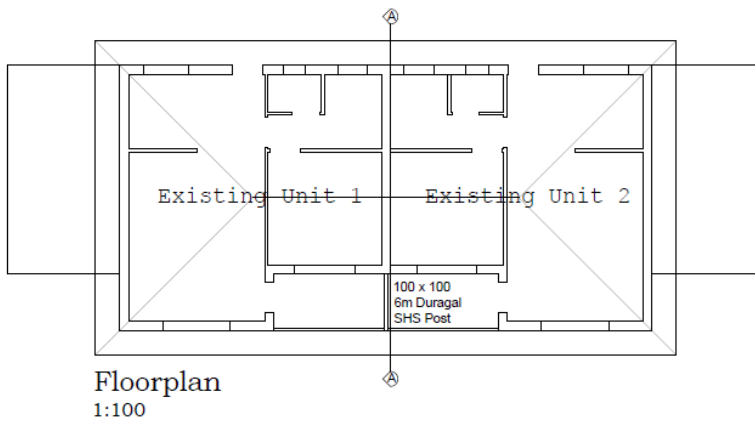
SA 5255

Mobile 0417878671

REF 4681da VID

CP = CAR PORT (HOUSE CAR PARK)
VP = VISITOR PARK

VERSION	DATE
1	02/06/2020
1C	20/07/2020
1D	17/09/2020



**ADELAIDE HILLS COUNCIL
RECEIVED 5 August 2020**

Proposed Firewall

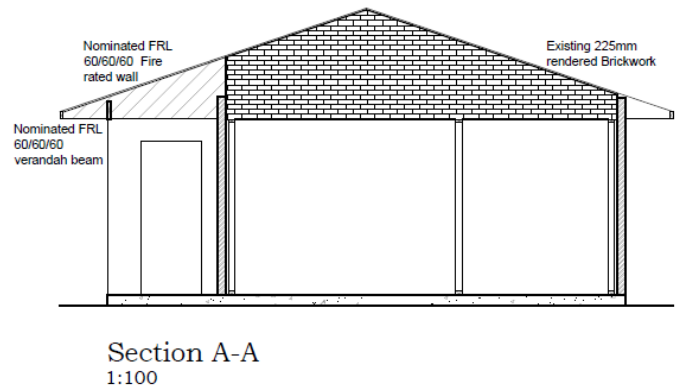
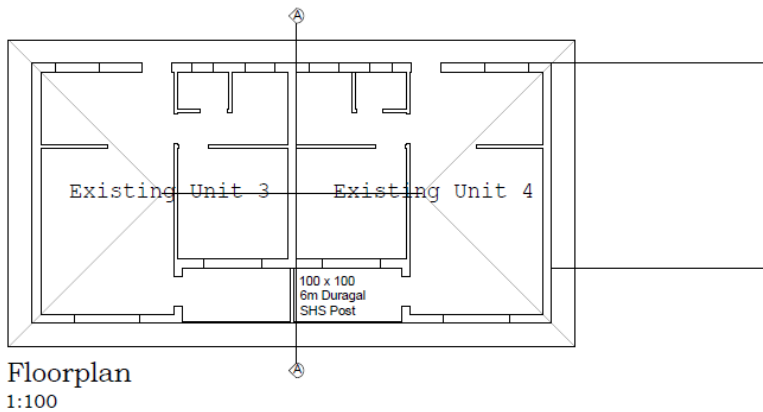
For Neville Roberts
At 150 Mount Barker Rd Aldgate Unit 1 & 2

Dated 03/08/2020

Version 2

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MWM
Drafting



Proposed Firewall

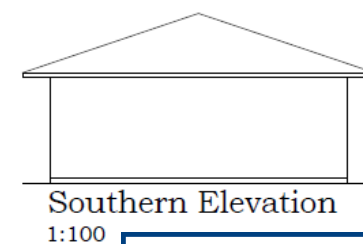
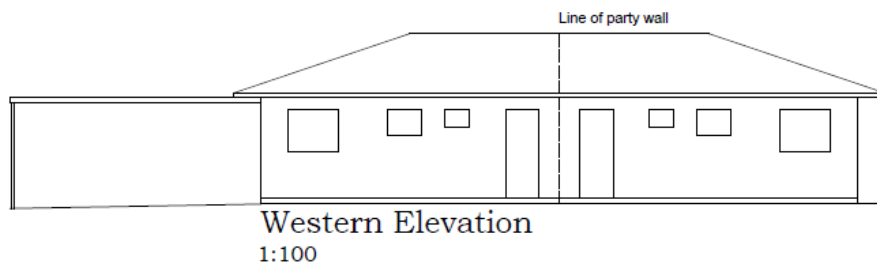
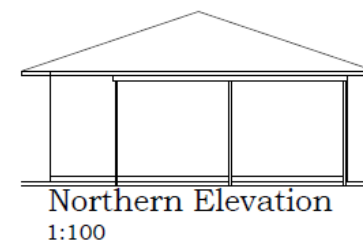
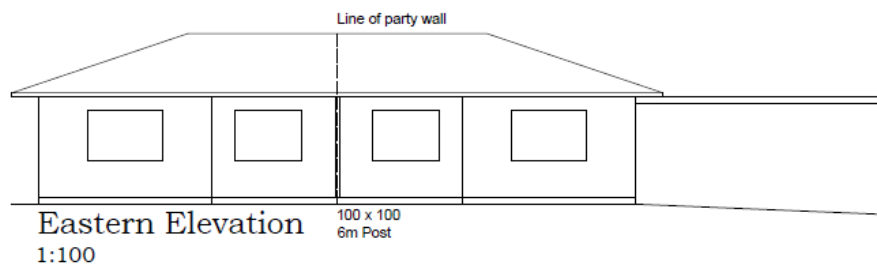
For Neville Roberts
At 150 Mount Barker Rd Aldgate Unit 3 & 4

Dated 03/08/2020

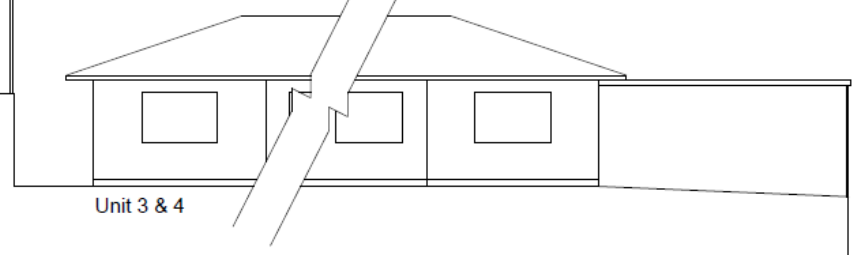
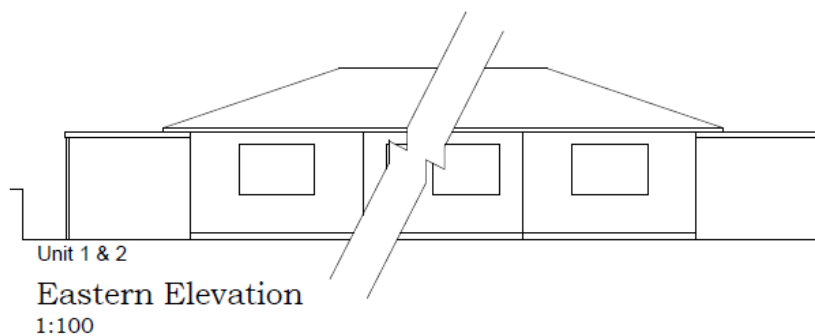
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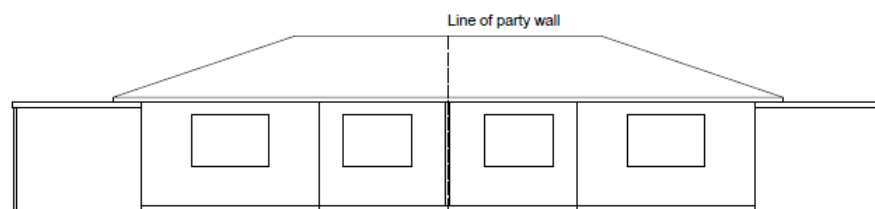
**ADELAIDE HILLS COUNCIL
RECEIVED 5 August 2020**



Proposed Firewall
For Neville Roberts
At 150 Mount Barker Rd Aldgate Unit 1 & 2

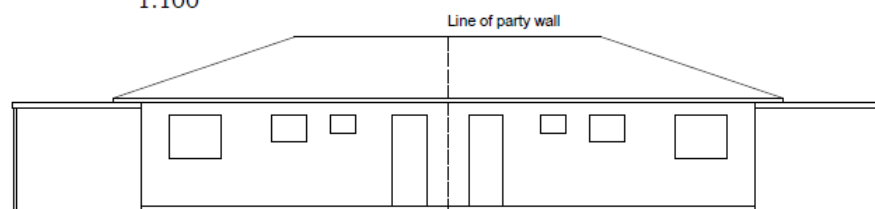
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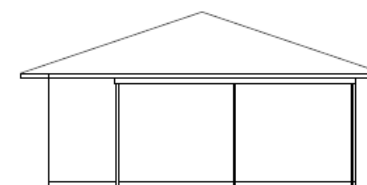
Eastern Elevation

1:100

100 x 100
6m Post

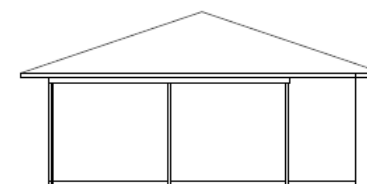
Western Elevation

1:100



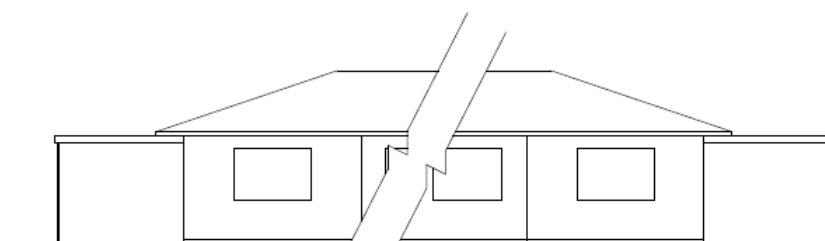
Northern Elevation

1:100



Southern Elevation

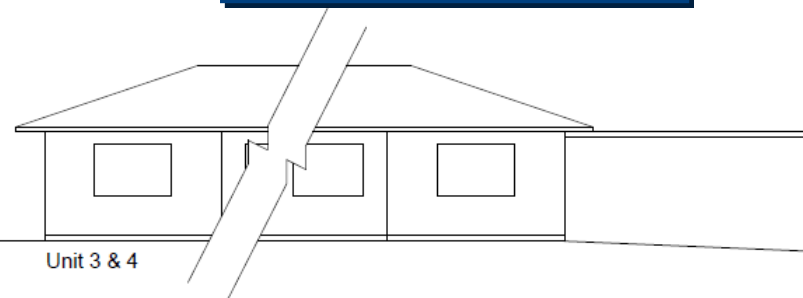
1:100



Unit 1 & 2

Eastern Elevation

1:100



Unit 3 & 4

**ADELAIDE HILLS COUNCIL
RECEIVED 5 August 2020**

Proposed Firewall

For Neville Roberts

At 150 Mount Barker Rd Aldgate Unit 1 & 2

Dated 03/08/2020

Version 2

Do not scale off this drawing

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PETER MELINE & ASSOCIATES TOWN & COUNTRY PLANNERS

PO BOX 1508, Mt. BARKER, SA, 5251

Mobile: 0448 395299

petermeline@bigpond.com

01/06/20

Development Services Section,
Adelaide Hills Council,
PO Box 44,
Woodside SA 5244.

**ADELAIDE HILLS COUNCIL
RECEIVED 23 June 2020**

Dear Melanie,

BRIEF STATEMENT OF SUPPORT for

DA 473/C024/20

Being a Division into 3 additional allotments (4 allotments in total)

1.0 INTRODUCTION

This Brief Statement has been prepared pursuant to Clause 17(1) of the Development Regulations 2008. It supports DA 473/C024/20 for the division of the land into 4 allotments (3 additional allotments) and Common Property as per the plan of division by Olden and Van Senden Ref # 4681da V3 250520; it will be processed as a non complying development application by the Adelaide Hills Council being the relevant authority under the Development Act 1993.

1.1 The Zone

The land is wholly within the Country Living (CL) Zone (Policy Area 29) consolidated 2019.

2.0 NATURE OF THE DEVELOPMENT AND NATURE OF THE LOCALITY

2.1 The Proposal

The proposed development is to divide the 1 allotment, which is in the Country Living Zone, into 4 allotments (3 additional) and common property as described in the plan of division by Olden and Van Senden Ref # 4681da V3 250520 (extract below).

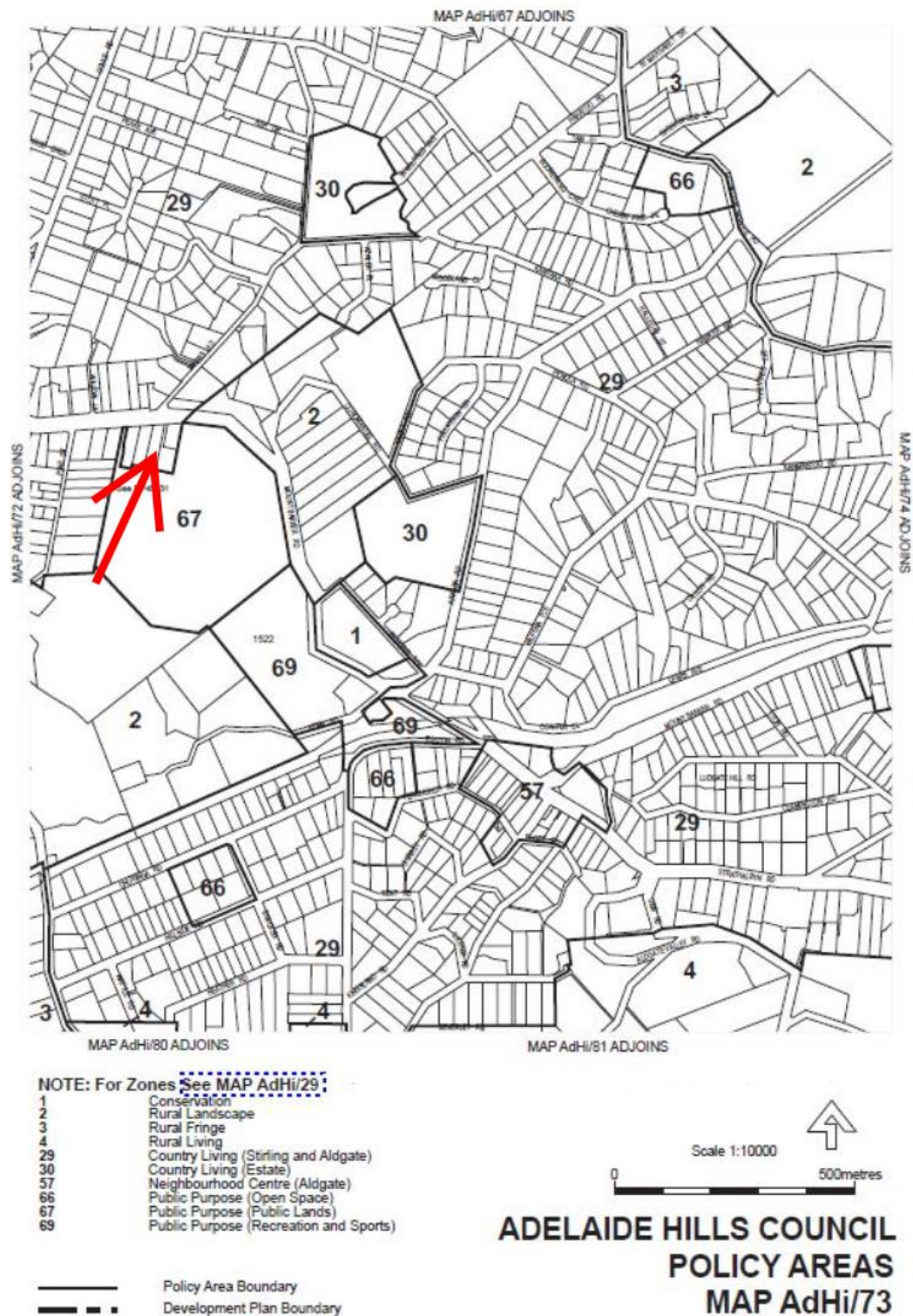
PETER MELINE & ASSOCIATES



2.2 The Locality

The area of the land is essentially residential in form but located in the Country Living Zone of Aldgate (AdHi41). The plan below shows the locality Policy Area Map (AdHi73).





2.2 Background

The land is currently a small 4 unit residential flat development that has existed for many years.

The Council have been rating this land as 4 separate entities for many years, copies of the relevant rates notices are attached.

2.3 The Land

The land is described as allotment 54, Sec P94, FP 157900, and is held in CT 5564/877.

REAL PROPERTY ACT, 1986



South Australia

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



Certificate of Title - Volume 5564 Folio 877

Parent Title(s)	CT 3611/186		
Creating Dealing(s)	CONVERTED TITLE		
Title Issued	13/08/1998	Edition 1	Edition Issued 13/08/1998

Estate Type

FEE SIMPLE

Registered Proprietor

DODD NOMINEES PTY. LTD. (ACN: 008 787 120)
OF PO BOX 720 BRIDGEWATER SA 5155

Description of Land

ALLOTMENT 54 FILED PLAN 157900
IN THE AREA NAMED ALDGATE
HUNDRED OF NOARLUNGA

Easements

NIL

Schedule of Dealings

NIL

Notations

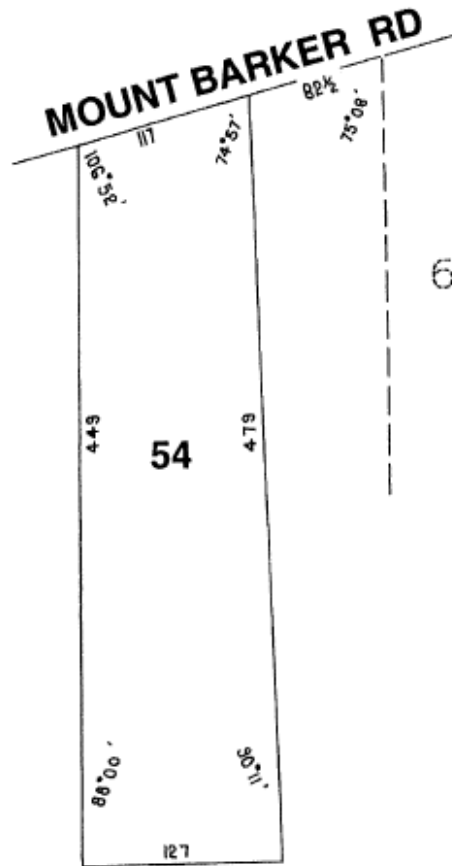
Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



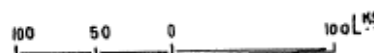
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Register Search (CT 55648 / /)
25/02/2020 03:11PM
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THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 3611/186

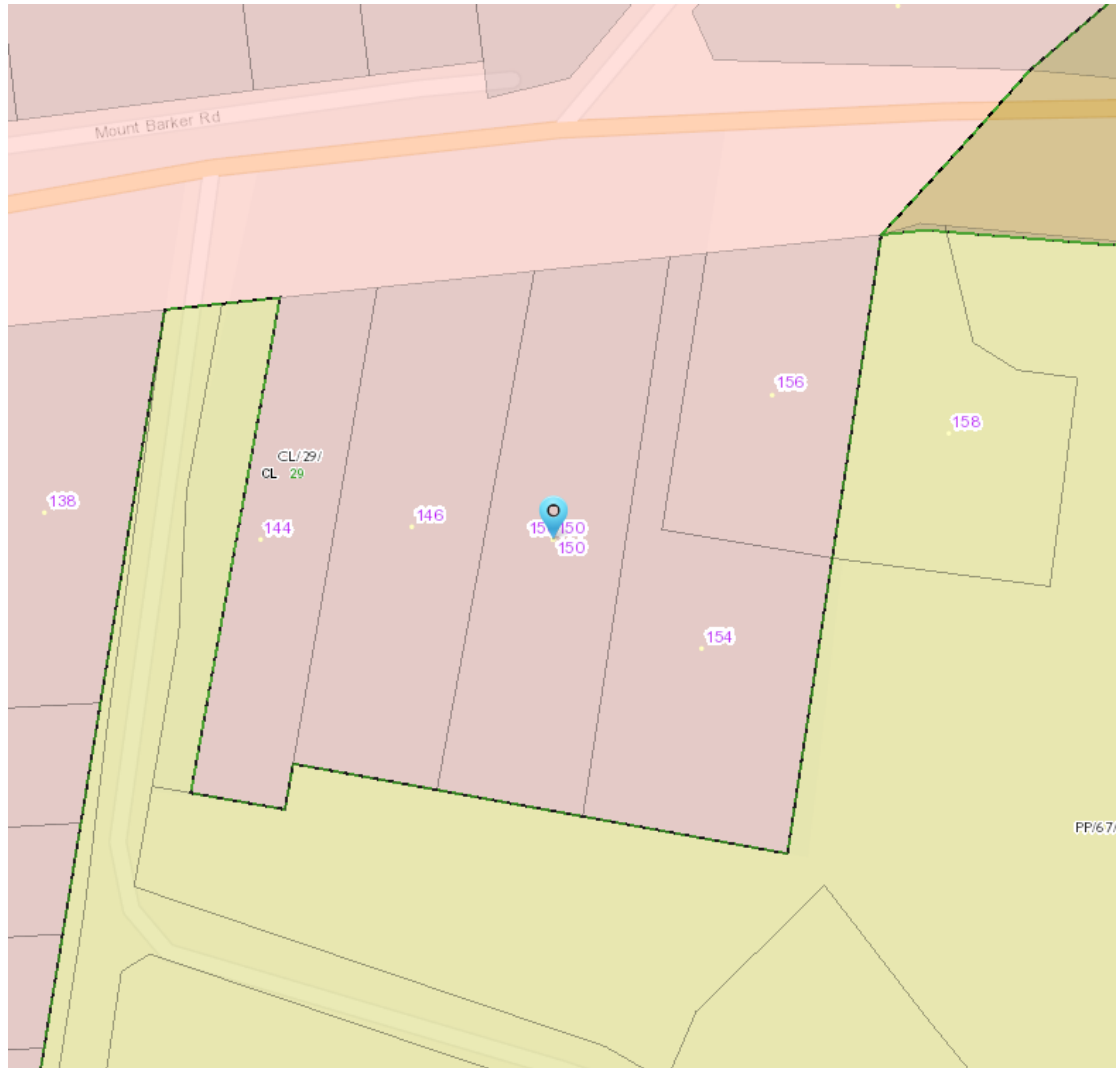


PT 5
NOARLUNGA NDP



**DISTANCES ARE IN LINKS
FOR METRIC CONVERSION**
1 LINK = 0.201168 METRES
1 CHAIN = 100 LINKS

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



The land fronts Mount Barker Rd, in the Town of Aldgate (see attached location plan).

2.5 Relevant Provisions of the Development Plan

The following provisions of the Adelaide Hills Council Development Plan consolidated 2019 are considered to be relevant to the proposal.

KIND OF DEVELOPMENT

The State Commission Assessment Panel “SCAP” have determined (on EDALA) that this is a Non Complying form of development.

Non-complying Development (Truncated- CL Zone)

The following kinds of development are non-complying in the Country Living Zone, including alterations and additions to an existing building on its existing site:

Land division

Except:

- (a) in the Ayers Hill Road Historic Policy Area, where no additional allotments are created; or
- (b) in that part of the zone outside Ayers Hill Road Historic Policy Area, either:
 - (i) where no additional allotments are created; or
 - (ii) where any additional allotments are either:
 - (A) a minimum of 4000 square metres in area, or
 - (B) in the Bridgewater Policy Area, a minimum of 1000 square metres; or
 - (C) of an equal or greater size than the median allotment size in the locality 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 primary allotment frontage and which,
 - (D) contains 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.

COUNCIL WIDE PROVISIONS

Land Division

LAND DIVISION

OBJECTIVES

- 1 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.
- 2 Land division that creates allotments appropriate for the intended use.
- 3 Land division layout that is optimal for energy efficient building orientation.
- 4 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.
- 6 Development of compact extensions to existing built-up areas.

The proposed land division includes dividing land that is already utilised for 4 existing lawful residential flat developments. The proposed land division will be for residential uses, with the lawful developments currently located on the site offering affordable housing in the locality. Therefore, it is submitted that the size of the intended allotments concurs with Objective 2.

It is noted that the current development is well supported with existing infrastructure and access, and there will be no further impact on infrastructure. Additionally, the landscape and environmental features of the site will remain unchanged.

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 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:
 - (i) does not increase the flow rate downstream

- (ii) maximises interception, retention and removal of water borne pollutants (including sediment, litter, nutrients, microbial contaminants and other potential toxic materials) prior to their discharge into receiving water
 - (iii) where practicable, retains or detains stormwater flows for re-use close to its source including possible aquifer storage and re-use.
 - (b) a sufficient water supply should be made available for each allotment
 - (c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health
 - (d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.
- 2 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 use
 - (b) any allotment will not have a frontage to one of the following:
 - (i) an existing road
 - (ii) a proposed public road
 - (iii) access to a public road via an internal roadway in a plan of community division
 - (c) the intended use of the land is likely to require excessive cut and/or fill
 - (d) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones
 - (e) suitable land set aside for useable local open space
 - (f) public utility services within road reserves and where necessary within dedicated easements
 - (g) the preservation of significant natural, cultural or landscape features including State and local heritage places
 - (h) protection for existing vegetation and drainage lines
 - (i) where appropriate, the amalgamation of smaller allotments to ensure coordinated and efficient site development
 - (j) the preservation of significant trees.
- 7 Land division should result in allotments of a size suitable for their intended use.
- 8 Land division should facilitate optimum solar access for energy efficiency.
- 11 Allotments should have an orientation, size and configuration to encourage development that:
- (a) minimises the need for earthworks and retaining walls
 - (b) maintains natural drainage systems
 - (c) faces abutting streets and open spaces
 - (d) does not require the removal of native vegetation to facilitate that development
 - (e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.
- 15 The arrangement of roads, allotments, reserves and open space should enable the provision of a stormwater management drainage system that:
- (a) contains and retains all watercourses, drainage lines and native vegetation
 - (b) integrates with the open space system and surrounding area
 - (c) incorporates detention and/or retention basins necessary to maintain the peak volume and rate of peak flow run-off from newly developed areas at levels as near as possible to those which existed prior to urban development
 - (d) provides, where feasible, for aquifer recharge
 - (e) enhances residential amenity
 - (f) directs stormwater generated from roads and car parks through natural stormwater treatment and devices such as swales, bio-retention systems and wetlands.

Roads and Access

- 16 Road reserves should be of a width and alignment that can:
- (a) provide for safe and convenient movement and parking of projected volumes of vehicles and other users
 - (b) provide for footpaths, cycle lanes and shared-use paths for the safety and convenience of residents and visitors
 - (c) allow vehicles to enter or reverse from an allotment or site in a single movement allowing for a car parked on the opposite side of the street
 - (d) accommodate street tree planting, landscaping and street furniture

- (e) accommodate the location, construction and maintenance of stormwater drainage and public utilities
 - (f) provide unobstructed, safe and efficient vehicular access to individual allotments and sites
 - (g) allow for the efficient movement of service and emergency vehicles.
- 17 The design of the land division should facilitate the most direct route to local facilities for pedestrians and cyclists and enable footpaths, cycle lanes and shared-use paths to be provided of a safe and suitable width and reasonable longitudinal gradient.
- 18 The layout of land divisions should result in roads designed and constructed to ensure:
- (a) that traffic speeds and volumes are restricted where appropriate by limiting street length and/or the distance between bends and slow points
 - (b) there are adequate sight distances for motorists at intersections, junctions, pedestrian and cyclist crossings, and crossovers to allotments to ensure the safety of all road users and pedestrians
 - (c) that existing dedicated cycling and walking routes are not compromised.
- 19 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:
- (a) the size of proposed allotments and sites and opportunities for on-site parking
 - (b) the availability and frequency of public and community transport
 - (c) on-street parking demand likely to be generated by nearby uses.
- 20 The layout of land divisions should incorporate street patterns designed to enhance the efficient movement of traffic and minimise trip lengths.

The proposal finds support in Principles 1-20 above, as the land proposed for division currently contains 4 lawfully erected residential buildings that is well served by existing utilities and infrastructure, and will be accessed by a community titled driveway (as per the plan of division by Olden and Van Senden Ref # 4681da V3 250520 attached). There is no additional development of dwellings or structures proposed. The size of the allotments are considered to be suitable for their intended residential use, especially when it is considered that the boundaries of the proposed lots are implied by the long standing lawful use of the land by 4 dwellings.

COUNTRY LIVING ZONE

Refer to the *Map Reference Tables* for a list of the maps that relate to this zone.

OBJECTIVES

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

The proposal finds support in the above Objectives for the Country Living Zone, as the proposal does not intend to extend upon existing residential development on the land, and affords the opportunity for a range of housing options for those in the area. It is considered that the proposal is in line with the *Desired Character* Statement, which states that there will be no discernible pattern of allotment size.

It is submitted that, notwithstanding the non-complying status of the application, most of the land in this part of Aldgate has been developed in a way that is at significant variance to the Development Plan. Most allotments in the precinct are in fact much smaller than 4000m² (as per the Non-Complying list). Reference to the cadastre reveals that the

archetypal ordinary residential allotment is in fact 1000m² with occasional allotments at around 2000m² and an even smaller percentage exceeding 2000m².

DESIRED CHARACTER

Development within the zone will predominantly comprise detached dwellings at very low-densities. Non-residential development, such as child-care centres and primary schools as well as small-scale consulting rooms, offices, tourist accommodation and shops, will be scattered throughout the zone where their impact on the character of the locality in terms of noise, traffic movements and appearance is minimal.

The street layout of the zone is strongly influenced by the undulating topography. As a consequence, streets are generally irregular in their location, shape and layout.

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 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 issues such as access, vegetation removal, stormwater management, and slope as well as the provision of essential services have been appropriately addressed. Mature vegetation will provide a defining feature of the zone and will dominate views from all locations. This vegetation will be a mixture of exotic and native species and will be situated on verges, reserves and within private properties.

Typically, streets will remain informal in character with limited kerb and guttering and narrow, bitumen footpaths. In combination with minimal use of front fences and heavily vegetated verges and gardens, an informal streetscape will be established where the distinction between the public and private realm is somewhat blurred.

The design of buildings throughout the zone will vary considerably. While there will be a significant number of large dwellings featuring traditional designs and materials, there will also be an increasing number of new dwellings with modern designs and building materials which are energy efficient and respond sensitively to the topography and vegetation.

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. Front fences will be non-reflective and low or visually permeable to enable views to the front garden. Split level dwelling designs may be necessary to reduce the extent of earthworks required to establish building sites and access roads.

Domestic outbuildings, such as garages and carports, will be located as either separate structures to the side or rear of dwellings or, alternatively, under the main roof. They will be visually subservient to the main dwelling and will not dominate views from the street.

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.

Country Living (Stirling and Aldgate) Policy Area

Refer to the *Map Reference Tables* for a list of the maps that relate to this policy area.

OBJECTIVES

1 Development that contributes to the desired character of the policy area.

The proposal fully accords with the *Desired Character* statement of the Country Living (Stirling and Aldgate) Policy Area, and satisfies the above Objective. The proposal, which adjoins Mount Barker Road, does

not intend to alter the generous setback of the dwellings already existing at the site, and will not affect any of the existing, substantial vegetation that lines the road.

DESIRED CHARACTER

Stirling and Aldgate are significant townships with clearly defined town centres surrounded by substantial residential areas which have merged over time with other areas within the Country Living Zone.

A number of creeks, some of which are prone to flooding, flow through the policy area. These creeks will be rehabilitated to provide a network of habitat corridors. Similarly, a network of walking trails will be developed to link reserves to the town centre and surrounding residential areas.

Mount Barker Road and Strathalbyn Road provide the main road access routes through the policy area. Development adjoining these roads will feature generous setbacks, frontages and landscaping to ensure that their function and operation as arterial roads is retained.

Outside the District and Neighbourhood Centres, land uses will be predominantly residential apart from community related activities such as schools and churches, and small scale tourist accommodation premises scattered throughout the policy area. Other non-residential development will be limited to small-scale shops, offices and consulting rooms in association with a dwelling within designated areas. Residential densities will remain very low, apart from some pockets of higher density retirement housing.

Land division potential, will remain limited within the policy area, however additional allotments will be created where they complement the character of the locality in terms of size and frontage. 'Hammer-head' allotments will be developed where their shape and associated access 'handles' do not negatively impact on the character of the locality.

The design of buildings throughout the policy area will vary considerably. There will be a significant number of very large dwellings interspersed with a wide variety of much smaller dwellings featuring a range of building styles, materials and designs.

Development will respect the general pattern of generous setbacks, heavily landscaped gardens and low front fences. The policy area will retain a sense of space and openness which will emphasise and protect the heavily vegetated landscape. Development will respect the undulating topography through the incorporation of split level dwelling designs and the careful location of building sites and access roads to minimise earthworks.

Development near the Heathfield Wastewater Treatment Plant should not prejudice the continued operation of that facility and must be located, designed and developed having regard to the potential environmental impacts associated with a wastewater treatment plant.

3.0 MOVEMENT OF PEOPLE & GOODS

The existing dwellings are currently well served by internal driveways which facilitate the easy access and parking of vehicles.

The entry into Mt Barker Road will be in accordance with the existing long standing vehicular access.



4.0 CONSERVATION AND APPEARANCE

The proposed use will have a nil effect on the visual amenity of the area due to the fact that no additional dwellings or other structures are proposed. It will not necessitate the removal of any vegetation.

5.0 PUBLIC UTILITIES

Due to the fact that all buildings' infrastructure are in place the proposal will not cause any greater load on public utilities than currently exists.

6.0 SOCIAL, ECONOMIC & ENVIRONMENTAL EFFECTS-

The proposal will give credence to an existing lawful residential development that has existed in Aldgate for many years

7.0 OTHER MATTERS

It is important to note that the Valuer-General has, for many years, assessed the 4 dwellings as independent dwellings and issued rates notices for each dwelling accordingly (see attached).

8.0 CONCLUSION

The proposal is supported by many provisions of the Development Plan that encourage orderly and economic development.

The use of the land as proposed is supported by the Objectives of the Country Living Zone.

The proposal is not seriously at variance with the Adelaide Hills Development Plan Consolidated 8 Aug 2019.

The development of the site for this purpose will facilitate the achievement of many of the core objectives of the Development Plan including:

DISTRICT WIDE

Objective 1: Satisfaction of the social, cultural and economic needs of the population of the district and surrounding region.

Objective 3: Provision for a choice of housing and lifestyles.

It is therefore submitted that this development is ideally suited to this site as it is consistent with the long standing development pattern of the precinct and will facilitate the attainment of the intent of the Development Plan.

The proposal is minimal in scale and effect and is not seriously at variance with the Adelaide Hills Council Development Plan consolidated 2019 .

It is therefore considered that the proposal has merit and should proceed to full assessment pursuant to Regulation 17 (3)(b) of the Development Regulations 2008.



Peter Meline

RPIA, MAIBS, JP

ACCREDITED PROFESSIONAL PLANNING LEVEL 1

ACCREDITED PROFESSIONAL BUILDING LEVEL 1



PO Box 44
Woodside SA 5244

Telephone (08) 8408 0400
Fax: (08) 8389 7440
Email: mail@ahc.sa.gov.au

To Belle Property
50 Mount Barker Road
Stirling SA 5152

Certificate No: 23689
Certificate Date: 03/03/2020

LOCAL GOVERNMENT INQUIRY

(Certificate of Liabilities pursuant to Section 187(1) of the Local Government Act 1999)

Land:

Assessment No:	12640
Valuer-General's No:	3302248056A0010
Owner/s:	Dodd Nominees Pty Ltd
Property Details:	1/150 Mount Barker Road Aldgate 5154
Legal Description:	Lot 54 Sec: P94 FP:167900 CT:5564/877

Rates and other monies due as known by Adelaide Hills Council as at 03/03/2020

Due Dates for Payment:	1st Qtr due	02/09/2019	2nd Qtr due	02/12/2019
	3rd Qtr due	02/03/2020	4th Qtr due	01/06/2020

Arrears/Credits as at 01/07/2019	\$0.00
Rates for the 2019/2020 rating year (Declared 25/06/2019)	\$1,085.55
Rates - Residential	\$407.37
Fixed Charge	\$662.00
Adelaide & Mt Lofty Ranges NRM Levy	\$16.18
Rates Postponed (arrears and current)	\$0.00
Postponed Interest	\$0.00
PLUS Other property Related Debts	
PLUS Fines and/or Interest to date	\$5.45
PLUS other adjustments, including Legal Fees	\$0.00
LESS Rebate (if applicable)	\$0.00
LESS Payments/Rounding	-\$820.00
TOTAL OWING AS AT 03/03/2020	\$271.00



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To Belle Property
50 Mount Barker Road
Stirling SA 5152

Certificate No: 23690
Certificate Date: 03/03/2020

LOCAL GOVERNMENT INQUIRY

(Certificate of Liabilities pursuant to Section 187(1) of the Local Government Act 1999)

Land:

Assessment No:	12641
Valuer-General's No:	3302248056A0020
Owner/s:	Dodd Nominees Pty Ltd
Property Details:	2/150 Mount Barker Road Aldgate 5154
Legal Description:	Lot 54 FP:157900 CT:5564/877

Rates and other monies due as known by Adelaide Hills Council as at 03/03/2020

Due Dates for Payment:	1st Qtr due	02/09/2019	2nd Qtr due	02/12/2019
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LESS Rebate (if applicable)	\$0.00
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To Belle Property
50 Mount Barker Road
Stirling SA 5152

Certificate No: 23691
Certificate Date: 03/03/2020

LOCAL GOVERNMENT INQUIRY

(Certificate of Liabilities pursuant to Section 187(1) of the Local Government Act 1999)

Land:

Assessment No:	12642
Valuer-General's No:	3302248056A0030
Owner/s:	Dodd Nominees Pty Ltd
Property Details:	3/150 Mount Barker Road Aldgate 5154
Legal Description:	Lot 54 FP:157900 CT:5564/877

Rates and other monies due as known by Adelaide Hills Council as at 03/03/2020

Due Dates for Payment:	1st Qtr due	02/09/2019	2nd Qtr due	02/12/2019
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50 Mount Barker Road
Stirling SA 5152

Certificate No: 23692
Certificate Date: 03/03/2020

LOCAL GOVERNMENT INQUIRY

(Certificate of Liabilities pursuant to Section 187(1) of the Local Government Act 1999)

Land:

Assessment No:	12643
Valuer-General's No:	3302248056A0040
Owner/s:	Dodd Nominees Pty Ltd
Property Details:	4/150 Mount Barker Road Aldgate 5154
Legal Description:	Lot 54 Sec: P94 FP:157900 CT:5564/877

Rates and other monies due as known by Adelaide Hills Council as at 03/03/2020

Due Dates for Payment:	1st Qtr due	02/09/2019	2nd Qtr due	02/12/2019
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LESS Rebate (if applicable)	\$0.00
LESS Payments/Rounding	-\$814.55
TOTAL OWING AS AT 03/03/2020	\$271.00

PETER MELINE & ASSOCIATES
TOWN & COUNTRY PLANNERS
PO BOX 1508, Mt. BARKER, SA, 5251

LOCATION	150 Mount Barker Rd, Aldgate
DEVELOPMENT FILE NUMBER	DA# 473/C024/20
APPLICANT	Neville Roberts PO Box 631, Stirling SA 5152
OWNER	Neville Roberts
NATURE OF DEVELOPMENT	Community Division (1 into 4) (non-complying)
ZONES	Country Living (CL) Zone (Stirling and Aldgate policy Area)
PLANNING AUTHORITY	Adelaide Hills Council

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INTRODUCTION -	page 2
THE SITE-	page 4
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REPORT PREPARED BY:

**Peter Meline, RPIA, MAIBS, JP
ACCREDITED PROFESSIONAL PLANNING LEVEL 1,
ACCREDITED PROFESSIONAL BUILDING LEVEL 1,
G. Dip. Planning (UTS), G. Dip. Applied Science (Building) (UWS-Hawkesbury),
Health Inspection Certificate (NSW TAFE).**

PO Box 1508, Mt Barker SA 5251
Phone 0448 395 299
Email: petermeline@bigpond.com

1.0 INTRODUCTION

This Statement of Effect has been prepared pursuant to Section 39(2)(d) of the Development Act 1993 and Regulation 17 of the Development Regulations 2008.

It supports DA 473/C024/20 for the division of the land into 4 allotments (3 additional allotments) and Common Property as per the plan of division by Olden and Van Senden Ref # 4681da V3 250520; it will be processed as a non complying development application by the Adelaide Hills Council being the relevant authority under the Development Act 1993.

1.1 The Zone

The land is wholly within the Country Living (CL) Zone (Stirling and Aldgate Policy Area) consolidated 2019.

2.0 NATURE OF THE DEVELOPMENT AND NATURE OF THE LOCALITY

2.1 The Proposal

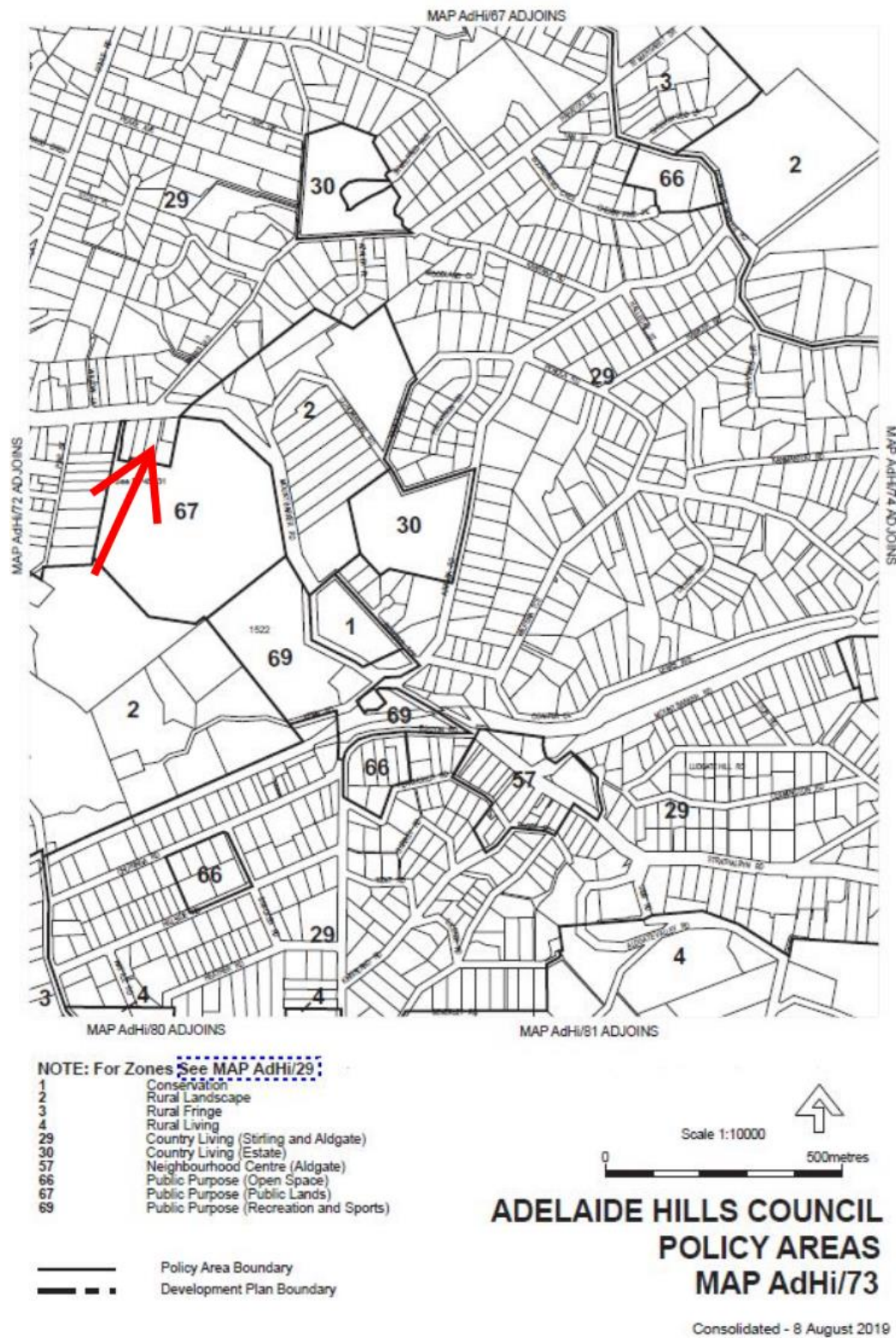
The proposed development is to divide the 1 allotment, which is in the Country Living Zone, into 4 allotments (3 additional) and common property as described in the plan of division by Olden and Van Senden Ref # 4681da V3 250520 (extract below).



2.2 The Locality

The area of the land is essentially residential in form but located in the Country Living Zone of Aldgate (AdHi41). The plan below shows the locality Policy Area Map (AdHi73).





2.3 Background

The land is currently a small 4 unit residential flat development that has existed for many years.

The Council have been rating this land as 4 separate entities for many years, copies of the relevant rates notices are attached in the Appendix.

2.4 The Land

The land is described as allotment 54, Sec P94, FP 157900, and is held in CT 5564/877.

REAL PROPERTY ACT, 1986



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



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Registered Proprietor

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Description of Land

ALLOTMENT 54 FILED PLAN 157900
IN THE AREA NAMED ALDGATE
HUNDRED OF NOARLUNGA

Easements

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Schedule of Dealings

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Notations

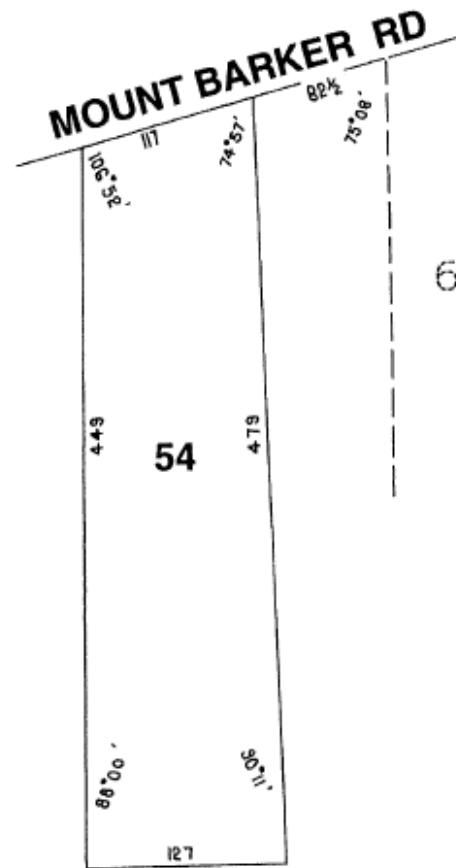
Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



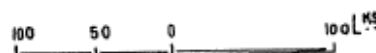
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THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 3611/186

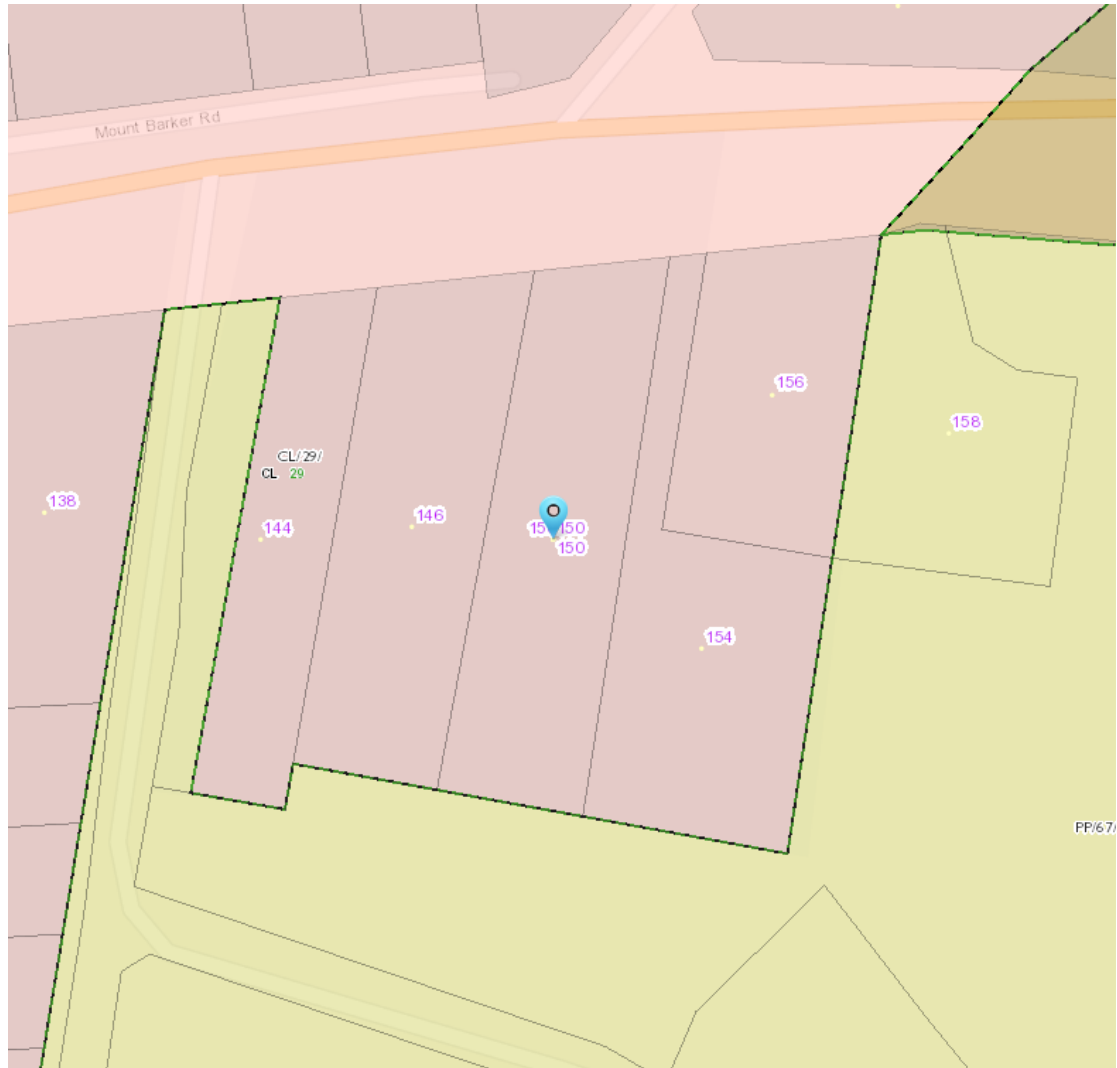


PT 5
NOARLUNGA NDP



**DISTANCES ARE IN LINKS
FOR METRIC CONVERSION**
1 LINK = 0.201168 METRES
1 CHAIN = 100 LINKS

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



The land fronts Mount Barker Rd, in the Town of Aldgate (see attached location plan).

2.5 Relevant Provisions of the Development Plan

The following provisions of the Adelaide Hills Council Development Plan consolidated 2019 are considered to be relevant to the proposal.

KIND OF DEVELOPMENT

The State Commission Assessment Panel “SCAP” have determined (on EDALA) that this is a Non Complying form of development.

Non-complying Development (Truncated- CL Zone)

The following kinds of development are non-complying in the Country Living Zone, including alterations and additions to an existing building on its existing site:

Land division

Except:

- (a) in the Ayers Hill Road Historic Policy Area, where no additional allotments are created; or
- (b) in that part of the zone outside Ayers Hill Road Historic Policy Area, either:
 - (i) where no additional allotments are created; or
 - (ii) where any additional allotments are either:
 - (A) a minimum of 4000 square metres in area, or
 - (B) in the Bridgewater Policy Area, a minimum of 1000 square metres; or
 - (C) of an equal or greater size than the median allotment size in the locality 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 primary allotment frontage and which,
 - (D) contains 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.

COUNCIL WIDE PROVISIONS

Land Division

LAND DIVISION

OBJECTIVES

- 1 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.
- 2 Land division that creates allotments appropriate for the intended use.
- 3 Land division layout that is optimal for energy efficient building orientation.
- 4 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.
- 6 Development of compact extensions to existing built-up areas.

The proposed land division includes dividing land that is already utilised for 4 existing lawful residential flat buildings. The proposed land division will be for residential uses, with the lawful developments currently located on the site offering affordable housing in the locality. Therefore, it is submitted that the size of the intended allotments concurs with Objective 2.

It is noted that the current development is well supported with existing infrastructure and access, and there will be no further impact on infrastructure. Additionally, the landscape and environmental features of the site will remain unchanged.

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 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:
 - (i) does not increase the flow rate downstream

- (ii) maximises interception, retention and removal of water borne pollutants (including sediment, litter, nutrients, microbial contaminants and other potential toxic materials) prior to their discharge into receiving water
 - (iii) where practicable, retains or detains stormwater flows for re-use close to its source including possible aquifer storage and re-use.
 - (b) a sufficient water supply should be made available for each allotment
 - (c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health
 - (d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.
- 2 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 use
 - (b) any allotment will not have a frontage to one of the following:
 - (i) an existing road
 - (ii) a proposed public road
 - (iii) access to a public road via an internal roadway in a plan of community division
 - (c) the intended use of the land is likely to require excessive cut and/or fill
 - (d) it is likely to lead to undue erosion of the subject land or land within the locality
 - (e) the wastewater treatment plant to which subsequent development will be connected does not have sufficient capacity to handle the additional wastewater volumes and pollutant loads generated by such development
 - (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 to the intended use(s)
 - (g) any allotments will straddle more than one zone, policy area or precinct
 - (h) the allotments unreasonably restrict access to publicly owned land such as recreation areas
 - (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 *Figure R/1*.
 - (j) the land is identified on *Figures AdHiFPA/1 to 19* as being subject to flooding.

The proposal is in total accord with Principle 2. All lots will have access to Mount Barker Rd via an internal roadway (as per the plan of division by Olden and Van Senden Ref # 4681da V3 250520 attached). The proposal consists of four existing lawful residential flats, so is not considered to offend (e) and (f). The proposed development is located entirely within the Country Living Zone, and is not located in a Flood Prone Area as shown on Figures AdHiFPA/1 to 19.

7 Land division should result in allotments of a size suitable for their intended use, as the proposal involves four existing dwellings.

The proposal adheres to Principle 7 above.

8 Land division should facilitate optimum solar access for energy efficiency. The existing dwellings have good solar access to their rear yards.

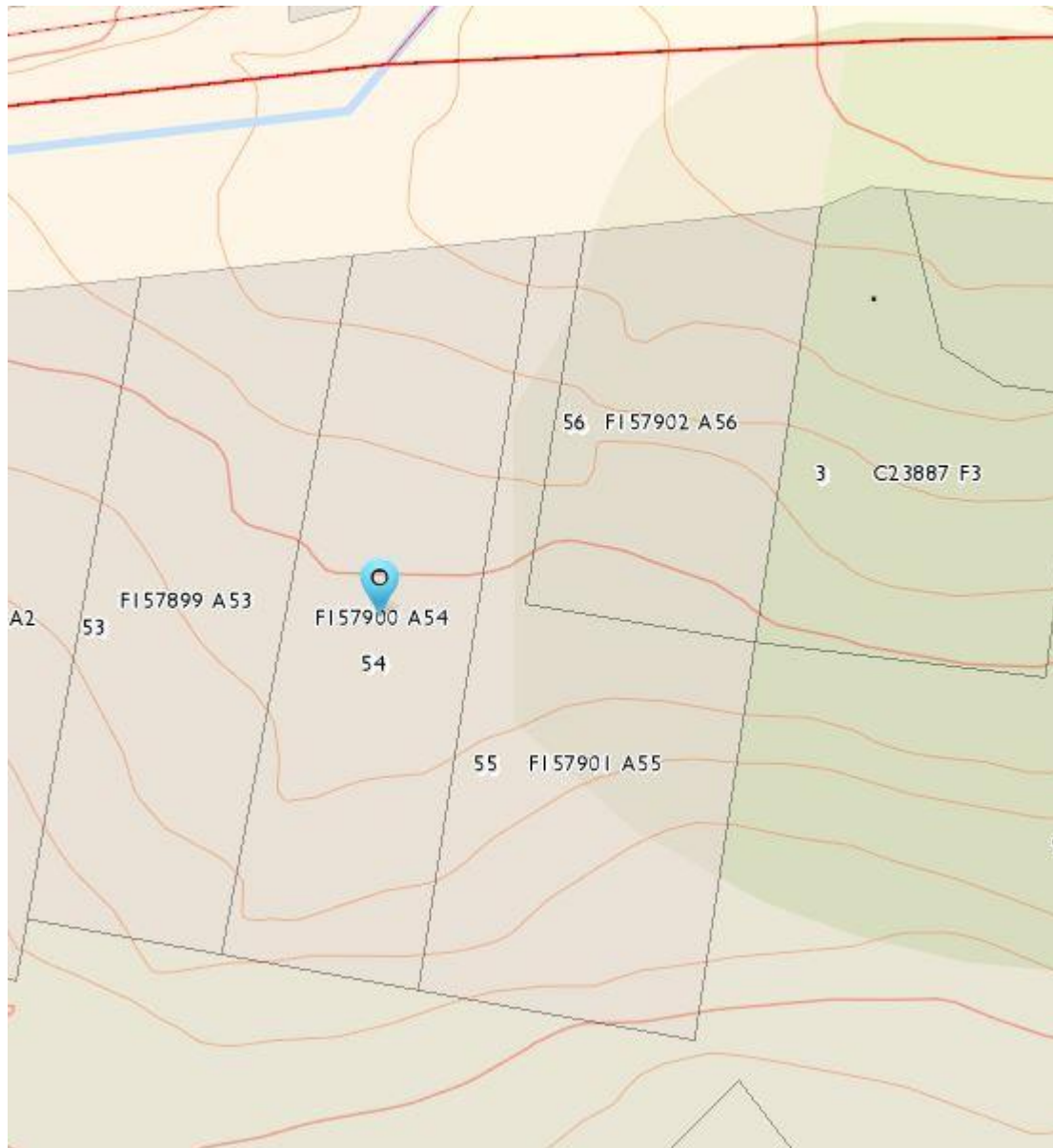
15 The arrangement of roads, allotments, reserves and open space should enable the provision of a stormwater management drainage system that:

- (a) contains and retains all watercourses, drainage lines and native vegetation
- (b) integrates with the open space system and surrounding area
- (c) incorporates detention and/or retention basins necessary to maintain the peak volume and rate of peak flow run-off from newly developed areas at levels as near as possible to those which existed prior to urban development
- (d) provides, where feasible, for aquifer recharge

- (e) enhances residential amenity
- (f) directs stormwater generated from roads and car parks through natural stormwater treatment and devices such as swales, bio-retention systems and wetlands.

The proposed allotments are well designed to manage existing water courses, the land naturally falls to the existing swale drain in the street.

See Land Contour Map Below



Roads and Access

16 Road reserves should be of a width and alignment that can:

- (a) provide for safe and convenient movement and parking of projected volumes of vehicles and other users
- (b) provide for footpaths, cycle lanes and shared-use paths for the safety and convenience of residents and visitors
- (c) allow vehicles to enter or reverse from an allotment or site in a single movement allowing for a car parked on the opposite side of the street
- (d) accommodate street tree planting, landscaping and street furniture
- (e) accommodate the location, construction and maintenance of stormwater drainage and public utilities
- (f) provide unobstructed, safe and efficient vehicular access to individual allotments and sites
- (g) allow for the efficient movement of service and emergency vehicles.

19 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:

- (a) the size of proposed allotments and sites and opportunities for on-site parking
- (b) the availability and frequency of public and community transport
- (c) on-street parking demand likely to be generated by nearby uses.

20 The layout of land divisions should incorporate street patterns designed to enhance the efficient movement of traffic and minimise trip lengths.

The proposed land division does not include any physical change to the current access to the four dwellings on site. There exists vehicular access from Mount Barker Rd to the dwellings by an internal driveway, which facilitates the easy access and parking of vehicles, as well as provision for CFS access as per the attached plan by OLDEN and VAN SENDEN.

The proposal finds support in the Principles above, as the land proposed for division currently contains 4 lawfully erected residential buildings that is well served by existing utilities and infrastructure, and will be accessed by a community titled driveway (as per the plan of division by Olden and Van Senden Ref # 4681da V3 250520 attached). There is no additional development of dwellings or structures proposed. The size of the allotments are considered to be suitable for their intended residential use, especially when it is considered that the boundaries of the proposed lots are implied by the long standing lawful use of the land by 4 dwellings.

COUNTRY LIVING ZONE

Refer to the *Map Reference Tables* for a list of the maps that relate to this zone.

OBJECTIVES

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

The proposal finds support in the above Objectives for the Country Living Zone, as the proposal does not intend to extend upon existing residential development on the land, and affords the opportunity for a range of housing options for those in the area. It is considered that the

proposal is in line with the *Desired Character* Statement below, which states that there will be no discernible pattern of allotment size. It is submitted that, notwithstanding the non-complying status of the application, most of the land in this part of Aldgate has been developed in a way that is at significant variance to the Development Plan. Most allotments in the precinct are in fact much smaller than 4000m² (as per the Non-Complying list). Reference to the cadastre reveals that the archetypal ordinary residential allotment is in fact 1000m² with occasional allotments at around 2000m² and an even smaller percentage exceeding 2000m². It is also noted that the Valuer-General has assessed the 4 dwellings as independent entities for many years. (Copies of the relevant rates notices are attached in the Appendix).

DESIRED CHARACTER

Development within the zone will predominantly comprise detached dwellings at very low-densities. Non-residential development, such as child-care centres and primary schools as well as small-scale consulting rooms, offices, tourist accommodation and shops, will be scattered throughout the zone where their impact on the character of the locality in terms of noise, traffic movements and appearance is minimal.

The street layout of the zone is strongly influenced by the undulating topography. As a consequence, streets are generally irregular in their location, shape and layout.

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 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 issues such as access, vegetation removal, stormwater management, and slope as well as the provision of essential services have been appropriately addressed. Mature vegetation will provide a defining feature of the zone and will dominate views from all locations. This vegetation will be a mixture of exotic and native species and will be situated on verges, reserves and within private properties.

Typically, streets will remain informal in character with limited kerb and guttering and narrow, bitumen footpaths. In combination with minimal use of front fences and heavily vegetated verges and gardens, an informal streetscape will be established where the distinction between the public and private realm is somewhat blurred.

The design of buildings throughout the zone will vary considerably. While there will be a significant number of large dwellings featuring traditional designs and materials, there will also be an increasing number of new dwellings with modern designs and building materials which are energy efficient and respond sensitively to the topography and vegetation.

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. Front fences will be non-reflective and low or visually permeable to enable views to the front garden. Split level dwelling designs may be necessary to reduce the extent of earthworks required to establish building sites and access roads.

Domestic outbuildings, such as garages and carports, will be located as either separate structures to the side or rear of dwellings or, alternatively, under the main roof. They will be visually subservient to the main dwelling and will not dominate views from the street.

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.

Country Living (Stirling and Aldgate) Policy Area

Refer to the *Map Reference Tables* for a list of the maps that relate to this policy area.

OBJECTIVES

1 Development that contributes to the desired character of the policy area.

The proposal fully accords with the *Desired Character* statement of the Country Living (Stirling and Aldgate) Policy Area, and satisfies the above Objective.

The proposal will result in the creation of land titles for four existing lawful single storey dwellings, four small dwellings on a 2250m² allotment, representing a relatively low density.

DESIRED CHARACTER

Stirling and Aldgate are significant townships with clearly defined town centres surrounded by substantial residential areas which have merged over time with other areas within the Country Living Zone.

A number of creeks, some of which are prone to flooding, flow through the policy area. These creeks will be rehabilitated to provide a network of habitat corridors. Similarly, a network of walking trails will be developed to link reserves to the town centre and surrounding residential areas.

Mount Barker Road and Strathalbyn Road provide the main road access routes through the policy area. Development adjoining these roads will feature generous setbacks, frontages and landscaping to ensure that their function and operation as arterial roads is retained.

Outside the District and Neighbourhood Centres, land uses will be predominantly residential apart from community related activities such as schools and churches, and small scale tourist accommodation premises scattered throughout the policy area. Other non-residential development will be limited to small-scale shops, offices and consulting rooms in association with a dwelling within designated areas. Residential densities will remain very low, apart from some pockets of higher density retirement housing.

Land division potential, will remain limited within the policy area, however additional allotments will be created where they complement the character of the locality in terms of size and frontage. 'Hammer-head' allotments will be developed where their shape and associated access 'handles' do not negatively impact on the character of the locality.

The design of buildings throughout the policy area will vary considerably. There will be a significant number of very large dwellings interspersed with a wide variety of much smaller dwellings featuring a range of building styles, materials and designs.

Development will respect the general pattern of generous setbacks, heavily landscaped gardens and low front fences. The policy area will retain a sense of space and openness which will emphasise and protect the heavily vegetated landscape. Development will respect the undulating topography through the incorporation of split level dwelling designs and the careful location of building sites and access roads to minimise earthworks.

Development near the Heathfield Wastewater Treatment Plant should not prejudice the continued operation of that facility and must be located, designed and developed having regard to the potential environmental impacts associated with a wastewater treatment plant.

The proposal does not intend to alter the generous setback from the Mount Barker Rd Frontage. There will be no impact on any of the existing, substantial vegetation that lines the road or the site. The existing buildings adhere to the intent of the *Desired Character* statement in regards to their size, materials and design. The Allotment described as Common Property 1 (CP1 on the attached division plan by Olden and Van Senden Ref # 4681da V3 250520) provides ample open

space at the Northern boundary on the site, in adherence with the above statement.

3.0 MOVEMENT OF PEOPLE & GOODS

The existing dwellings are currently well served by internal driveways which facilitate the easy access and parking of vehicles.

The entry into Mt Barker Road will be in accordance with the existing long standing vehicular access.



4.0 CONSERVATION AND APPEARANCE

The proposed use will have a nil effect on the visual amenity of the area due to the fact that no additional dwellings or other structures are proposed. It will not necessitate the removal of any vegetation.

5.0 PUBLIC UTILITIES

Due to the fact that all buildings' infrastructure are in place, the proposal will not cause any greater load on public utilities than currently exists.

6.0 SOCIAL, ECONOMIC & ENVIRONMENTAL EFFECTS-

The proposal will give credence to an existing lawful residential development that has existed in Aldgate for many years

7.0 OTHER MATTERS

It is important to note that the Valuer-General has, for many years, assessed the 4 dwellings as independent dwellings and issued rates notices for each dwelling accordingly (see attached).

It is noted that a rendered 225mm brick wall divides the units that are conjoined, this wall extends to the underside of the steel roof covering except that the fire separation does not extend to the roof space above the common verandas on the eastern side of both buildings pursuant to Regulation 5A Development Regulations 2008 below. This proposal therefore includes the erection of a lightweight FRL 60/60/60 fire rated wall in the roof space above the verandas to completely fire isolate the roof spaces between the two conjoined units.

Regulations 5A Development Regulations 2008

5A—Presumption with respect to division of certain buildings

For the purposes of section 33(1)(c)(v) of the Act, if a proposed division of land relates to an existing Class 1 or 2 building under the Building Code, walls of the building exposed to a fire source feature as a result of the proposed division must comply with Section C—Volume 1, and P2.3.1—Volume 2, of the Building Code as in force at the time the application for consent is made (and the [Development Assessment Commission](#) may not issue a certificate in respect of the division under section 51 of the Act unless or until it is satisfied (in such manner as it thinks fit) that such compliance exists).

Plans for the proposed fire rated wall are attached.

8.0 CONCLUSION

The proposal is supported by many provisions of the Development Plan that encourage orderly and economic development.

The use of the land as proposed is supported by the Objectives of the Country Living Zone.

The development of the site for this purpose will facilitate the achievement of many of the core objectives of the Development Plan including:

DISTRICT WIDE

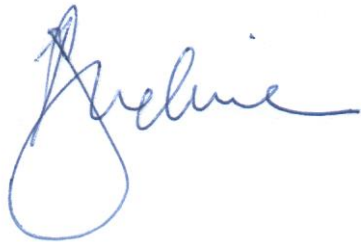
Objective 1: Satisfaction of the social, cultural and economic needs of the population of the district and surrounding region.

Objective 3: Provision for a choice of housing and lifestyles.

It is therefore submitted that this development is ideally suited to this site as it is consistent with the long standing development pattern of the precinct and will facilitate the attainment of the intent of the Development Plan.

The proposal is minimal in scale and effect and is not seriously at variance with the Adelaide Hills Council Development Plan consolidated 2019 .

It is therefore submitted that the proposal has considerable merit despite its non-complying status and it should be granted development plan consent subject to the concurrence of the SCAP.



1/8/20

Peter Meline
RPIA, MAIBS, JP
ACCREDITED PROFESSIONAL PLANNING LEVEL 1
ACCREDITED PROFESSIONAL BUILDING LEVEL 1

Attached:

Rates Notices for Units 1-4 dated 03/03/20;

Plans for Fire Rated Wall by MWM Drafting dated 03/08/20.



PO Box 44
Woodside SA 5244

Telephone (08) 8408 0400
Fax: (08) 8389 7440
Email: mail@ahc.sa.gov.au

To Belle Property
50 Mount Barker Road
Stirling SA 5152

Certificate No: 23689
Certificate Date: 03/03/2020

LOCAL GOVERNMENT INQUIRY

(Certificate of Liabilities pursuant to Section 187(1) of the Local Government Act 1999)

Land:

Assessment No:	12640
Valuer-General's No:	3302248056A0010
Owner/s:	Dodd Nominees Pty Ltd
Property Details:	1/150 Mount Barker Road Aldgate 5154
Legal Description:	Lot 54 Sec: P94 FP:167900 CT:5564/877

Rates and other monies due as known by Adelaide Hills Council as at 03/03/2020

Due Dates for Payment:	1st Qtr due	02/09/2019	2nd Qtr due	02/12/2019
	3rd Qtr due	02/03/2020	4th Qtr due	01/06/2020

Arrears/Credits as at 01/07/2019	\$0.00
Rates for the 2019/2020 rating year (Declared 25/06/2019)	\$1,085.55
Rates - Residential	\$407.37
Fixed Charge	\$662.00
Adelaide & Mt Lofty Ranges NRM Levy	\$16.18
Rates Postponed (arrears and current)	\$0.00
Postponed Interest	\$0.00
PLUS Other property Related Debts	
PLUS Fines and/or Interest to date	\$5.45
PLUS other adjustments, including Legal Fees	\$0.00
LESS Rebate (if applicable)	\$0.00
LESS Payments/Rounding	-\$820.00
TOTAL OWING AS AT 03/03/2020	\$271.00



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Certificate No: 23690
Certificate Date: 03/03/2020

LOCAL GOVERNMENT INQUIRY

(Certificate of Liabilities pursuant to Section 187(1) of the Local Government Act 1999)

Land:

Assessment No:	12641
Valuer-General's No:	3302248056A0020
Owner/s:	Dodd Nominees Pty Ltd
Property Details:	2/150 Mount Barker Road Aldgate 5154
Legal Description:	Lot 54 FP:157900 CT:5564/877

Rates and other monies due as known by Adelaide Hills Council as at 03/03/2020

Due Dates for Payment:	1st Qtr due	02/09/2019	2nd Qtr due	02/12/2019
	3rd Qtr due	02/03/2020	4th Qtr due	01/06/2020

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50 Mount Barker Road
Stirling SA 5152

Certificate No: 23691
Certificate Date: 03/03/2020

LOCAL GOVERNMENT INQUIRY

(Certificate of Liabilities pursuant to Section 187(1) of the Local Government Act 1999)

Land:

Assessment No:	12642
Valuer-General's No:	3302248056A0030
Owner/s:	Dodd Nominees Pty Ltd
Property Details:	3/150 Mount Barker Road Aldgate 5154
Legal Description:	Lot 54 FP:157900 CT:5564/877

Rates and other monies due as known by Adelaide Hills Council as at 03/03/2020

Due Dates for Payment:	1st Qtr due	02/09/2019	2nd Qtr due	02/12/2019
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To Belle Property
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Stirling SA 5152

Certificate No: 23692
Certificate Date: 03/03/2020

LOCAL GOVERNMENT INQUIRY

(Certificate of Liabilities pursuant to Section 187(1) of the Local Government Act 1999)

Land:

Assessment No:	12643
Valuer-General's No:	3302248056A0040
Owner/s:	Dodd Nominees Pty Ltd
Property Details:	4/150 Mount Barker Road Aldgate 5154
Legal Description:	Lot 54 Sec: P94 FP:157900 CT:5564/877

Rates and other monies due as known by Adelaide Hills Council as at 03/03/2020

Due Dates for Payment:	1st Qtr due	02/09/2019	2nd Qtr due	02/12/2019
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LESS Rebate (if applicable)	\$0.00
LESS Payments/Rounding	-\$814.55
TOTAL OWING AS AT 03/03/2020	\$271.00

In reply please quote 2020/00293, Process ID: 628306
Enquiries to Matthew Small
Telephone 7109 7875
E-mail: dpti.luc@sa.gov.au



Government of South Australia

Department of Planning,
Transport and Infrastructure

**TRANSPORT PLANNING AND
PROGRAM DEVELOPMENT**

Transport Assessment

GPO Box 1533
ADELAIDE SA 5001

ABN 92 366 288 135

18 June 2020

The Presiding Member
State Commission Assessment Panel
GPO Box 1815
ADELAIDE SA 5001

Dear Ms Thomas

SCHEDULE 8 - REFERRAL RESPONSE

Development No.	473/C024/20
Applicant	Neville Roberts
Location	150 Mount Barker Road, Aldgate
Proposal	Community Division (4 Lots)

I refer to the above development application forwarded to the Commissioner of Highways (CoH) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4) (b) of the *Development Act 1993* and Schedule 8 of the *Development Regulations 2008*.

CONSIDERATION

Mount Barker Road is an arterial road under the care, control and management of the CoH. At this location, Mount Barker Road carries approximately 9,000 vehicles per day (5% commercial vehicles) and has a posted speed limit of 60km/h.

Access

The access currently links to Mount Barker Road via a shared connection with adjoining properties to the east of this site. This connection avoids existing street trees adjacent the eastern boundary, and provides an appropriate separation from the bus stop adjacent this property. The Department of Planning, Transport and Infrastructure (DPTI) recommends that the existing access arrangement is maintained for this development. No additional connection to Mount Barker Road will be supported by DPTI.

In the interest of road safety, all vehicles should enter and exit the subject site in a forward direction. All on-site vehicle manoeuvring areas should remain clear of any impediments (including fencing, vegetation, letterboxes, utility meters and parked vehicles).

ADVICE

DPTI supports this plan of division and recommends that the following conditions be attached to any approval given:

1. All access shall be gained via the common property (CP2) only. This driveway shall connect to Mount Barker Road via the existing shared crossover.
2. Vehicles must enter and exit the subject site in a forward direction.

3. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
4. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Mount Barker Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'J. Sydes', is written in a cursive style.

A/MANAGER, TRANSPORT ASSESSMENT
for **COMMISSIONER OF HIGHWAYS**



28 July 2020

Our Ref: H0099055

The Chairman
State Commission Assessment Panel
50 Flinders St
ADELAIDE SA 5000

Dear Sir/Madam

PROPOSED LAND DIVISION APPLICATION NO: 473/C024/20 AT ALDGATE

In response to the abovementioned proposal, I advise that pursuant to Section 33 of the Development Act it is necessary for the developer to satisfy this Corporation's requirements, which are listed below.

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

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

Yours faithfully

Diana Baric

for MANAGER LAND DEVELOPMENT & CONNECTIONS

SA Water
Level 6, 250 Victoria Square
ADELAIDE SA 5000
Ph (08) 7424 1119
Inquiries Diana Baric
Telephone 74241119

02/06/2020
EDALA 68071
DA 473/C024/20

MAP REF 6627-3-B	DEV. NO.
TITLE SYSTEM REAL PROPERTY ACT	
TITLE REFERENCE CT 5564/877	
IRRIGATION AREA DIVISION	
HUNDRED.....NOARLUNGA.....	
AREAALDGATE.....	
COUNCILADELAIDE HILLS COUNCIL.....	

PLAN OF COMMUNITY DIVISION
ALLOTMENT 54 IN F157900



STATEMENTS CONCERNING EASEMENTS ANNOTATIONS AND AMENDMENTS:

ALL DATA SUBJECT TO SURVEY

IMPORTANT NOTICE:

This plan was prepared for N & H DISTRIBUTORS as a proposed community division to accompany a Development Application to THE ADELAIDE HILLS COUNCIL and should not be used for any other purpose.

The dimensions, area and total number of allotments shown hereon may be subject to field survey and also the requirements of council as well as any other authority which may have requirements under any relevent legislation. In particular no reliance should be placed on this plan for any financial dealings involving the land.

This note is an integral part of this plan.

ALL DISTANCES ARE GROUND DISTANCES

LOT SUMMARY	
TOTAL AREA	2250m²
RESERVE AREA	NIL
NO. OF EXISTING ALLOTS	1
NO. OF ADDITIONAL LOTS	3
LENGTH OF NEW ROAD	NIL
CONTOUR INTERVAL	N/A

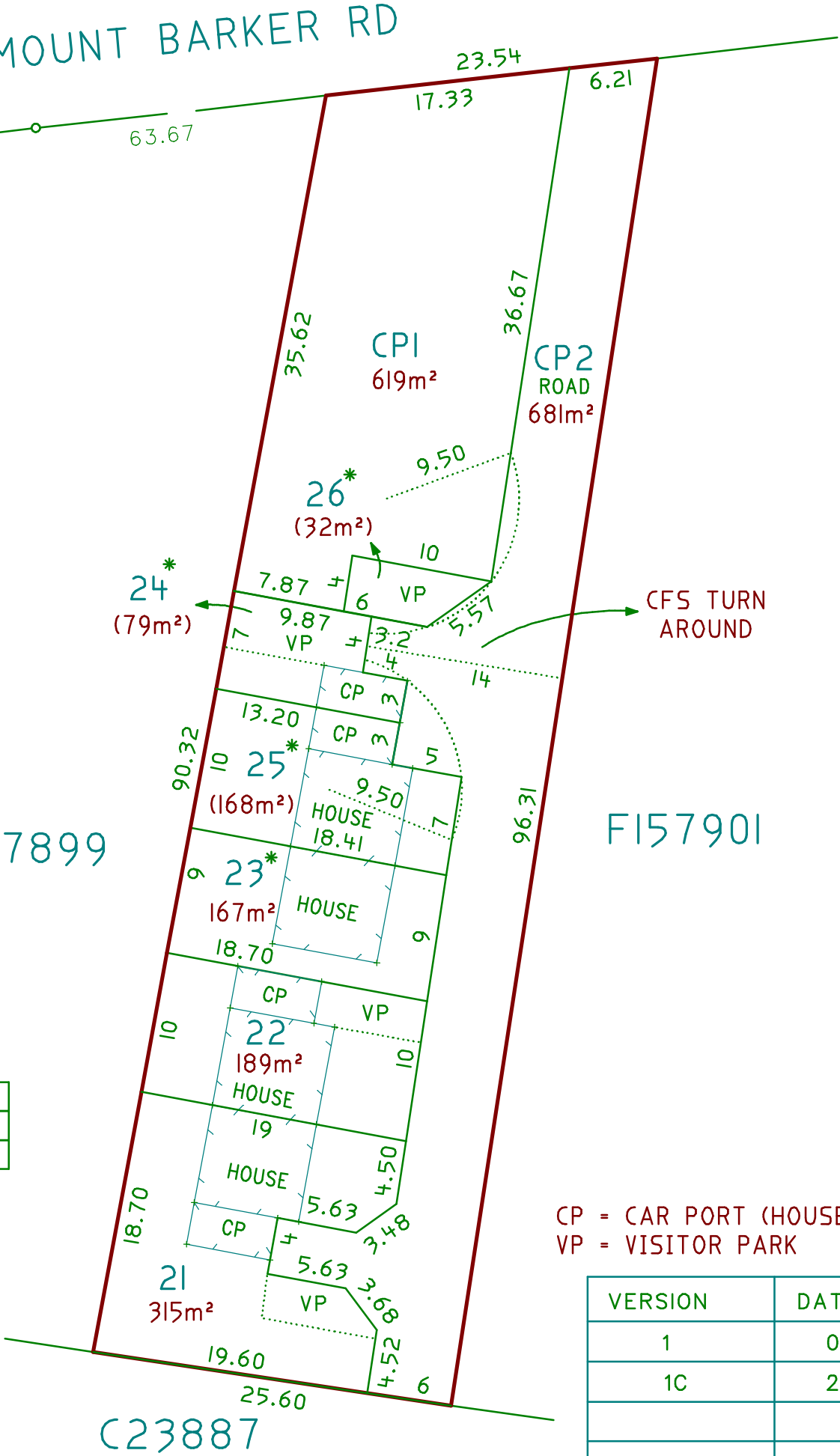
PIECES SCHEDULE	
ONE ALLOTMENT COMPRISES	TOTAL AREA
23* AND 24*	246m²
25* AND 26*	200m²

OLDEN & van SENDEN PTY LTD

ABN 47 008 133 159 ACN 008 133 159

3/42 MT BARKER RD STIRLING S.A. 5152 Ph/Fax (08) 83709699 Mobile 0417878671 Email olvs@bigpond.net.au

11 CHAPEL ST. STRATHALBYN SA 5255 Mobile 0417878671 REF 4681da VIC



CP = CAR PORT (HOUSE CAR PARK)
VP = VISITOR PARK

VERSION	DATE
1	02/06/2020
1C	20/07/2020



PETER MELINE & ASSOCIATES TOWN & COUNTRY PLANNERS

PO BOX 1508, Mt. BARKER, SA, 5251

Mobile: 0448 395299

petermeline@bigpond.com

01/06/20

Development Services Section,
Adelaide Hills Council,
PO Box 44,
Woodside SA 5244.

**ADELAIDE HILLS COUNCIL
RECEIVED 23 June 2020**

Dear Melanie,

BRIEF STATEMENT OF SUPPORT for

DA 473/C024/20

Being a Division into 3 additional allotments (4 allotments in total)

1.0 INTRODUCTION

This Brief Statement has been prepared pursuant to Clause 17(1) of the Development Regulations 2008. It supports DA 473/C024/20 for the division of the land into 4 allotments (3 additional allotments) and Common Property as per the plan of division by Olden and Van Senden Ref # 4681da V3 250520; it will be processed as a non complying development application by the Adelaide Hills Council being the relevant authority under the Development Act 1993.

1.1 The Zone

The land is wholly within the Country Living (CL) Zone (Policy Area 29) consolidated 2019.

2.0 NATURE OF THE DEVELOPMENT AND NATURE OF THE LOCALITY

2.1 The Proposal

The proposed development is to divide the 1 allotment, which is in the Country Living Zone, into 4 allotments (3 additional) and common property as described in the plan of division by Olden and Van Senden Ref # 4681da V3 250520 (extract below).

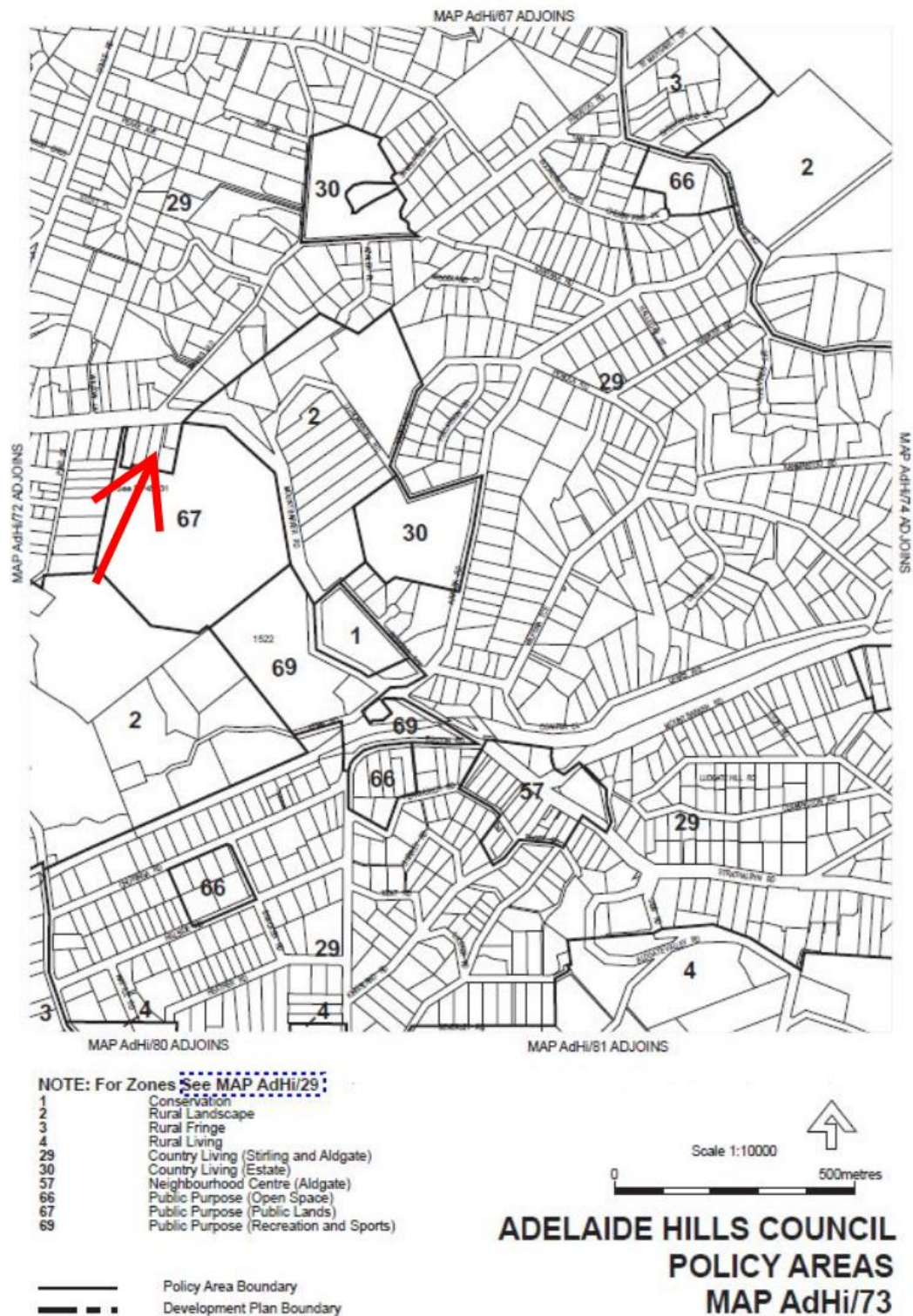
PETER MELINE & ASSOCIATES



2.2 The Locality

The area of the land is essentially residential in form but located in the Country Living Zone of Aldgate (AdHi41). The plan below shows the locality Policy Area Map (AdHi73).





2.2 Background

The land is currently a small 4 unit residential flat development that has existed for many years.

The Council have been rating this land as 4 separate entities for many years, copies of the relevant rates notices are attached.

2.3 The Land

The land is described as allotment 54, Sec P94, FP 157900, and is held in CT 5564/877.

REAL PROPERTY ACT, 1986



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



Certificate of Title - Volume 5564 Folio 877

Parent Title(s)	CT 3611/186		
Creating Dealing(s)	CONVERTED TITLE		
Title Issued	13/08/1998	Edition 1	Edition Issued 13/08/1998

Estate Type

FEE SIMPLE

Registered Proprietor

DODD NOMINEES PTY. LTD. (ACN: 008 787 120)
OF PO BOX 720 BRIDGEWATER SA 5155

Description of Land

ALLOTMENT 54 FILED PLAN 157900
IN THE AREA NAMED ALDGATE
HUNDRED OF NOARLUNGA

Easements

NIL

Schedule of Dealings

NIL

Notations

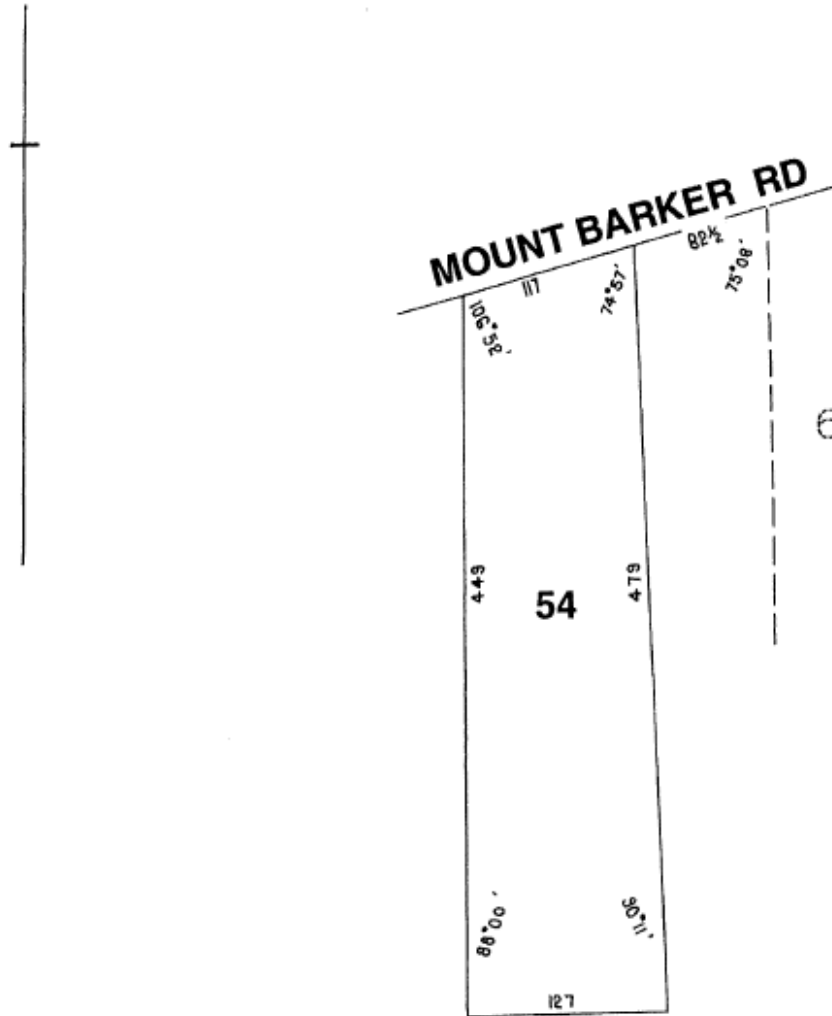
Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



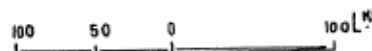
Product
Date/Time
Customer Reference
Order ID

Register Search (CT 5564/8 / 1)
25/02/2020 03:11PM
20200225009612

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 3611/186

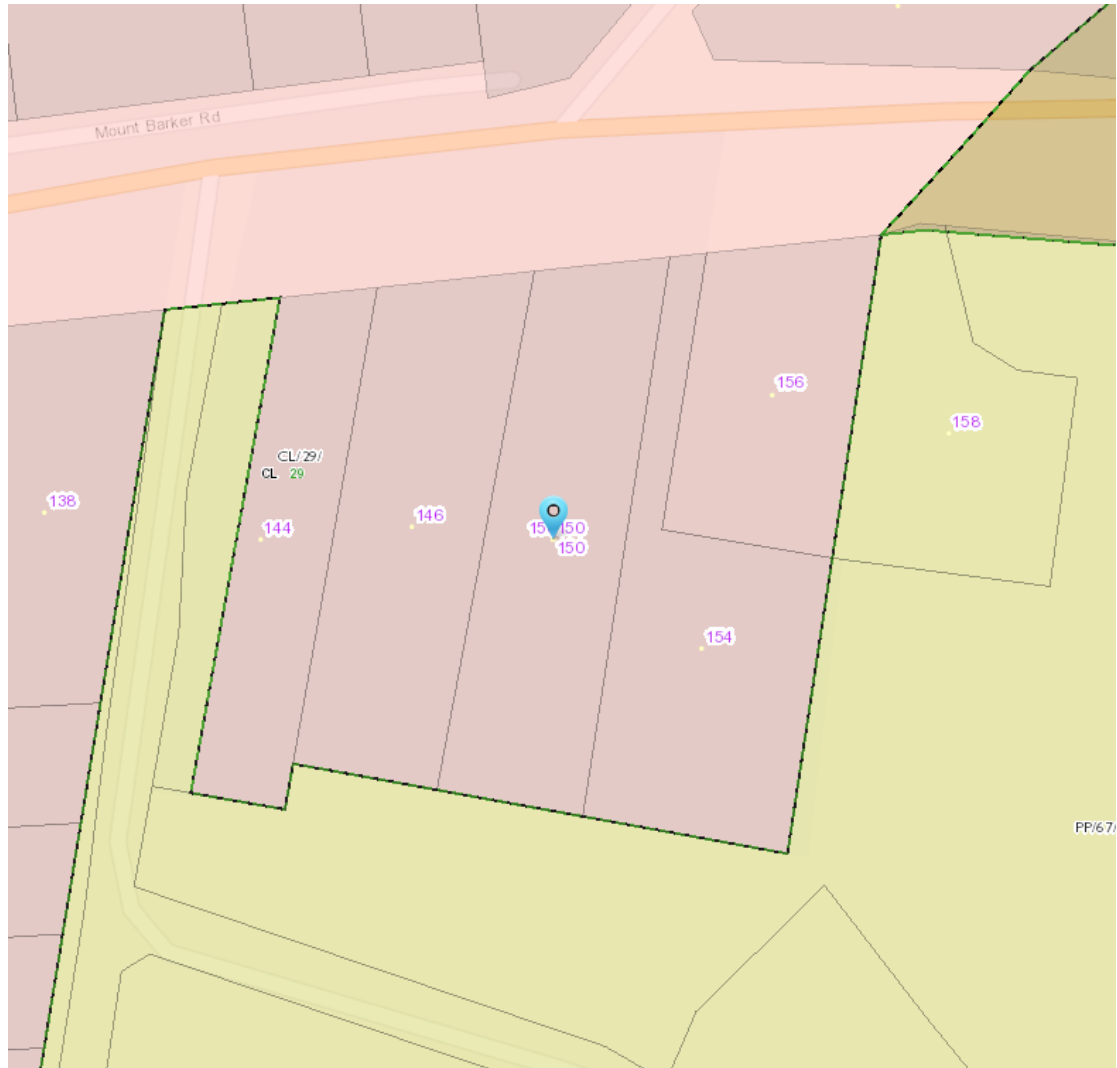


PT 5
NOARLUNGA NDP



DISTANCES ARE IN LINKS
FOR METRIC CONVERSION
1 LINK = 0.201168 METRES
1 CHAIN = 100 LINKS

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



The land fronts Mount Barker Rd, in the Town of Aldgate (see attached location plan).

2.5 Relevant Provisions of the Development Plan

The following provisions of the Adelaide Hills Council Development Plan consolidated 2019 are considered to be relevant to the proposal.

KIND OF DEVELOPMENT

The State Commission Assessment Panel “SCAP” have determined (on EDALA) that this is a Non Complying form of development.

Non-complying Development (Truncated- CL Zone)

The following kinds of development are non-complying in the Country Living Zone, including alterations and additions to an existing building on its existing site:

Land division

Except:

- (a) in the Ayers Hill Road Historic Policy Area, where no additional allotments are created; or
- (b) in that part of the zone outside Ayers Hill Road Historic Policy Area, either:
 - (i) where no additional allotments are created; or
 - (ii) where any additional allotments are either:
 - (A) a minimum of 4000 square metres in area, or
 - (B) in the Bridgewater Policy Area, a minimum of 1000 square metres; or
 - (C) of an equal or greater size than the median allotment size in the locality 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 primary allotment frontage and which,
 - (D) contains 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.

COUNCIL WIDE PROVISIONS

Land Division

LAND DIVISION

OBJECTIVES

- 1 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.
- 2 Land division that creates allotments appropriate for the intended use.
- 3 Land division layout that is optimal for energy efficient building orientation.
- 4 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.
- 6 Development of compact extensions to existing built-up areas.

The proposed land division includes dividing land that is already utilised for 4 existing lawful residential flat developments. The proposed land division will be for residential uses, with the lawful developments currently located on the site offering affordable housing in the locality. Therefore, it is submitted that the size of the intended allotments concurs with Objective 2.

It is noted that the current development is well supported with existing infrastructure and access, and there will be no further impact on infrastructure. Additionally, the landscape and environmental features of the site will remain unchanged.

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 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:
 - (i) does not increase the flow rate downstream

- (ii) maximises interception, retention and removal of water borne pollutants (including sediment, litter, nutrients, microbial contaminants and other potential toxic materials) prior to their discharge into receiving water
 - (iii) where practicable, retains or detains stormwater flows for re-use close to its source including possible aquifer storage and re-use.
 - (b) a sufficient water supply should be made available for each allotment
 - (c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health
 - (d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.
- 2 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 use
 - (b) any allotment will not have a frontage to one of the following:
 - (i) an existing road
 - (ii) a proposed public road
 - (iii) access to a public road via an internal roadway in a plan of community division
 - (c) the intended use of the land is likely to require excessive cut and/or fill
 - (d) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones
 - (e) suitable land set aside for useable local open space
 - (f) public utility services within road reserves and where necessary within dedicated easements
 - (g) the preservation of significant natural, cultural or landscape features including State and local heritage places
 - (h) protection for existing vegetation and drainage lines
 - (i) where appropriate, the amalgamation of smaller allotments to ensure coordinated and efficient site development
 - (j) the preservation of significant trees.
- 7 Land division should result in allotments of a size suitable for their intended use.
- 8 Land division should facilitate optimum solar access for energy efficiency.
- 11 Allotments should have an orientation, size and configuration to encourage development that:
- (a) minimises the need for earthworks and retaining walls
 - (b) maintains natural drainage systems
 - (c) faces abutting streets and open spaces
 - (d) does not require the removal of native vegetation to facilitate that development
 - (e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.
- 15 The arrangement of roads, allotments, reserves and open space should enable the provision of a stormwater management drainage system that:
- (a) contains and retains all watercourses, drainage lines and native vegetation
 - (b) integrates with the open space system and surrounding area
 - (c) incorporates detention and/or retention basins necessary to maintain the peak volume and rate of peak flow run-off from newly developed areas at levels as near as possible to those which existed prior to urban development
 - (d) provides, where feasible, for aquifer recharge
 - (e) enhances residential amenity
 - (f) directs stormwater generated from roads and car parks through natural stormwater treatment and devices such as swales, bio-retention systems and wetlands.

Roads and Access

- 16 Road reserves should be of a width and alignment that can:
- (a) provide for safe and convenient movement and parking of projected volumes of vehicles and other users
 - (b) provide for footpaths, cycle lanes and shared-use paths for the safety and convenience of residents and visitors
 - (c) allow vehicles to enter or reverse from an allotment or site in a single movement allowing for a car parked on the opposite side of the street
 - (d) accommodate street tree planting, landscaping and street furniture

- (e) accommodate the location, construction and maintenance of stormwater drainage and public utilities
 - (f) provide unobstructed, safe and efficient vehicular access to individual allotments and sites
 - (g) allow for the efficient movement of service and emergency vehicles.
- 17 The design of the land division should facilitate the most direct route to local facilities for pedestrians and cyclists and enable footpaths, cycle lanes and shared-use paths to be provided of a safe and suitable width and reasonable longitudinal gradient.
- 18 The layout of land divisions should result in roads designed and constructed to ensure:
- (a) that traffic speeds and volumes are restricted where appropriate by limiting street length and/or the distance between bends and slow points
 - (b) there are adequate sight distances for motorists at intersections, junctions, pedestrian and cyclist crossings, and crossovers to allotments to ensure the safety of all road users and pedestrians
 - (c) that existing dedicated cycling and walking routes are not compromised.
- 19 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:
- (a) the size of proposed allotments and sites and opportunities for on-site parking
 - (b) the availability and frequency of public and community transport
 - (c) on-street parking demand likely to be generated by nearby uses.
- 20 The layout of land divisions should incorporate street patterns designed to enhance the efficient movement of traffic and minimise trip lengths.

The proposal finds support in Principles 1-20 above, as the land proposed for division currently contains 4 lawfully erected residential buildings that is well served by existing utilities and infrastructure, and will be accessed by a community titled driveway (as per the plan of division by Olden and Van Senden Ref # 4681da V3 250520 attached). There is no additional development of dwellings or structures proposed. The size of the allotments are considered to be suitable for their intended residential use, especially when it is considered that the boundaries of the proposed lots are implied by the long standing lawful use of the land by 4 dwellings.

COUNTRY LIVING ZONE

Refer to the *Map Reference Tables* for a list of the maps that relate to this zone.

OBJECTIVES

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

The proposal finds support in the above Objectives for the Country Living Zone, as the proposal does not intend to extend upon existing residential development on the land, and affords the opportunity for a range of housing options for those in the area. It is considered that the proposal is in line with the *Desired Character* Statement, which states that there will be no discernible pattern of allotment size.

It is submitted that, notwithstanding the non-complying status of the application, most of the land in this part of Aldgate has been developed in a way that is at significant variance to the Development Plan. Most allotments in the precinct are in fact much smaller than 4000m² (as per the Non-Complying list). Reference to the cadastre reveals that the

archetypal ordinary residential allotment is in fact 1000m² with occasional allotments at around 2000m² and an even smaller percentage exceeding 2000m².

DESIRED CHARACTER

Development within the zone will predominantly comprise detached dwellings at very low-densities. Non-residential development, such as child-care centres and primary schools as well as small-scale consulting rooms, offices, tourist accommodation and shops, will be scattered throughout the zone where their impact on the character of the locality in terms of noise, traffic movements and appearance is minimal.

The street layout of the zone is strongly influenced by the undulating topography. As a consequence, streets are generally irregular in their location, shape and layout.

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 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 issues such as access, vegetation removal, stormwater management, and slope as well as the provision of essential services have been appropriately addressed. Mature vegetation will provide a defining feature of the zone and will dominate views from all locations. This vegetation will be a mixture of exotic and native species and will be situated on verges, reserves and within private properties.

Typically, streets will remain informal in character with limited kerb and guttering and narrow, bitumen footpaths. In combination with minimal use of front fences and heavily vegetated verges and gardens, an informal streetscape will be established where the distinction between the public and private realm is somewhat blurred.

The design of buildings throughout the zone will vary considerably. While there will be a significant number of large dwellings featuring traditional designs and materials, there will also be an increasing number of new dwellings with modern designs and building materials which are energy efficient and respond sensitively to the topography and vegetation.

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. Front fences will be non-reflective and low or visually permeable to enable views to the front garden. Split level dwelling designs may be necessary to reduce the extent of earthworks required to establish building sites and access roads.

Domestic outbuildings, such as garages and carports, will be located as either separate structures to the side or rear of dwellings or, alternatively, under the main roof. They will be visually subservient to the main dwelling and will not dominate views from the street.

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.

Country Living (Stirling and Aldgate) Policy Area

Refer to the *Map Reference Tables* for a list of the maps that relate to this policy area.

OBJECTIVES

1 Development that contributes to the desired character of the policy area.

The proposal fully accords with the *Desired Character* statement of the Country Living (Stirling and Aldgate) Policy Area, and satisfies the above Objective. The proposal, which adjoins Mount Barker Road, does

not intend to alter the generous setback of the dwellings already existing at the site, and will not affect any of the existing, substantial vegetation that lines the road.

DESIRED CHARACTER

Stirling and Aldgate are significant townships with clearly defined town centres surrounded by substantial residential areas which have merged over time with other areas within the Country Living Zone.

A number of creeks, some of which are prone to flooding, flow through the policy area. These creeks will be rehabilitated to provide a network of habitat corridors. Similarly, a network of walking trails will be developed to link reserves to the town centre and surrounding residential areas.

Mount Barker Road and Strathalbyn Road provide the main road access routes through the policy area. Development adjoining these roads will feature generous setbacks, frontages and landscaping to ensure that their function and operation as arterial roads is retained.

Outside the District and Neighbourhood Centres, land uses will be predominantly residential apart from community related activities such as schools and churches, and small scale tourist accommodation premises scattered throughout the policy area. Other non-residential development will be limited to small-scale shops, offices and consulting rooms in association with a dwelling within designated areas. Residential densities will remain very low, apart from some pockets of higher density retirement housing.

Land division potential, will remain limited within the policy area, however additional allotments will be created where they complement the character of the locality in terms of size and frontage. 'Hammer-head' allotments will be developed where their shape and associated access 'handles' do not negatively impact on the character of the locality.

The design of buildings throughout the policy area will vary considerably. There will be a significant number of very large dwellings interspersed with a wide variety of much smaller dwellings featuring a range of building styles, materials and designs.

Development will respect the general pattern of generous setbacks, heavily landscaped gardens and low front fences. The policy area will retain a sense of space and openness which will emphasise and protect the heavily vegetated landscape. Development will respect the undulating topography through the incorporation of split level dwelling designs and the careful location of building sites and access roads to minimise earthworks.

Development near the Heathfield Wastewater Treatment Plant should not prejudice the continued operation of that facility and must be located, designed and developed having regard to the potential environmental impacts associated with a wastewater treatment plant.

3.0 MOVEMENT OF PEOPLE & GOODS

The existing dwellings are currently well served by internal driveways which facilitate the easy access and parking of vehicles.

The entry into Mt Barker Road will be in accordance with the existing long standing vehicular access.



4.0 CONSERVATION AND APPEARANCE

The proposed use will have a nil effect on the visual amenity of the area due to the fact that no additional dwellings or other structures are proposed. It will not necessitate the removal of any vegetation.

5.0 PUBLIC UTILITIES

Due to the fact that all buildings' infrastructure are in place the proposal will not cause any greater load on public utilities than currently exists.

6.0 SOCIAL, ECONOMIC & ENVIRONMENTAL EFFECTS-

The proposal will give credence to an existing lawful residential development that has existed in Aldgate for many years

7.0 OTHER MATTERS

It is important to note that the Valuer-General has, for many years, assessed the 4 dwellings as independent dwellings and issued rates notices for each dwelling accordingly (see attached).

8.0 CONCLUSION

The proposal is supported by many provisions of the Development Plan that encourage orderly and economic development.

The use of the land as proposed is supported by the Objectives of the Country Living Zone.

The proposal is not seriously at variance with the Adelaide Hills Development Plan Consolidated 8 Aug 2019.

The development of the site for this purpose will facilitate the achievement of many of the core objectives of the Development Plan including:

DISTRICT WIDE

Objective 1: Satisfaction of the social, cultural and economic needs of the population of the district and surrounding region.

Objective 3: Provision for a choice of housing and lifestyles.

It is therefore submitted that this development is ideally suited to this site as it is consistent with the long standing development pattern of the precinct and will facilitate the attainment of the intent of the Development Plan.

The proposal is minimal in scale and effect and is not seriously at variance with the Adelaide Hills Council Development Plan consolidated 2019 .

It is therefore considered that the proposal has merit and should proceed to full assessment pursuant to Regulation 17 (3)(b) of the Development Regulations 2008.



Peter Meline

RPIA, MAIBS, JP

ACCREDITED PROFESSIONAL PLANNING LEVEL 1

ACCREDITED PROFESSIONAL BUILDING LEVEL 1



PO Box 44
Woodside SA 5244

Telephone (08) 8408 0400
Fax: (08) 8389 7440
Email: mail@ahc.sa.gov.au

To Belle Property
50 Mount Barker Road
Stirling SA 5152

Certificate No: 23689
Certificate Date: 03/03/2020

LOCAL GOVERNMENT INQUIRY

(Certificate of Liabilities pursuant to Section 187(1) of the Local Government Act 1999)

Land:

Assessment No:	12640
Valuer-General's No:	3302248056A0010
Owner/s:	Dodd Nominees Pty Ltd
Property Details:	1/150 Mount Barker Road Aldgate 5154
Legal Description:	Lot 54 Sec: P94 FP:167900 CT:5564/877

Rates and other monies due as known by Adelaide Hills Council as at 03/03/2020

Due Dates for Payment:	1st Qtr due	02/09/2019	2nd Qtr due	02/12/2019
	3rd Qtr due	02/03/2020	4th Qtr due	01/06/2020

Arrears/Credits as at 01/07/2019	\$0.00
Rates for the 2019/2020 rating year (Declared 25/06/2019)	\$1,085.55
Rates - Residential	\$407.37
Fixed Charge	\$662.00
Adelaide & Mt Lofty Ranges NRM Levy	\$16.18
Rates Postponed (arrears and current)	\$0.00
Postponed Interest	\$0.00
PLUS Other property Related Debts	
PLUS Fines and/or Interest to date	\$5.45
PLUS other adjustments, including Legal Fees	\$0.00
LESS Rebate (if applicable)	\$0.00
LESS Payments/Rounding	-\$820.00
TOTAL OWING AS AT 03/03/2020	\$271.00



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Certificate No: 23690
Certificate Date: 03/03/2020

LOCAL GOVERNMENT INQUIRY

(Certificate of Liabilities pursuant to Section 187(1) of the Local Government Act 1999)

Land:

Assessment No:	12641
Valuer-General's No:	3302248056A0020
Owner/s:	Dodd Nominees Pty Ltd
Property Details:	2/150 Mount Barker Road Aldgate 5154
Legal Description:	Lot 54 FP:157900 CT:5564/877

Rates and other monies due as known by Adelaide Hills Council as at 03/03/2020

Due Dates for Payment:	1st Qtr due	02/09/2019	2nd Qtr due	02/12/2019
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To Belle Property
50 Mount Barker Road
Stirling SA 5152

Certificate No: 23691
Certificate Date: 03/03/2020

LOCAL GOVERNMENT INQUIRY

(Certificate of Liabilities pursuant to Section 187(1) of the Local Government Act 1999)

Land:

Assessment No:	12642
Valuer-General's No:	3302248056A0030
Owner/s:	Dodd Nominees Pty Ltd
Property Details:	3/150 Mount Barker Road Aldgate 5154
Legal Description:	Lot 54 FP:157900 CT:5564/877

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To Belle Property
50 Mount Barker Road
Stirling SA 5152

Certificate No: 23692
Certificate Date: 03/03/2020

LOCAL GOVERNMENT INQUIRY

(Certificate of Liabilities pursuant to Section 187(1) of the Local Government Act 1999)

Land:

Assessment No:	12643
Valuer-General's No:	3302248056A0040
Owner/s:	Dodd Nominees Pty Ltd
Property Details:	4/150 Mount Barker Road Aldgate 5154
Legal Description:	Lot 54 Sec: P94 FP:157900 CT:5564/877

Rates and other monies due as known by Adelaide Hills Council as at 03/03/2020

Due Dates for Payment:	1st Qtr due	02/09/2019	2nd Qtr due	02/12/2019
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LESS Rebate (if applicable)	\$0.00
LESS Payments/Rounding	-\$814.55
TOTAL OWING AS AT 03/03/2020	\$271.00

PETER MELINE & ASSOCIATES
TOWN & COUNTRY PLANNERS

PO BOX 1508, Mt. BARKER, SA, 5251

LOCATION	150 Mount Barker Rd, Aldgate
DEVELOPMENT FILE NUMBER	DA# 473/C024/20
APPLICANT	Neville Roberts PO Box 631, Stirling SA 5152
OWNER	Neville Roberts
NATURE OF DEVELOPMENT	Community Division (1 into 4) (non-complying)
ZONES	Country Living (CL) Zone (Stirling and Aldgate policy Area)
PLANNING AUTHORITY	Adelaide Hills Council

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REPORT PREPARED BY:

Peter Meline, RPIA, MAIBS, JP
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ADELAIDE HILLS COUNCIL
RECEIVED 5 August 2020

1.0 INTRODUCTION

This Statement of Effect has been prepared pursuant to Section 39(2)(d) of the Development Act 1993 and Regulation 17 of the Development Regulations 2008.

It supports DA 473/C024/20 for the division of the land into 4 allotments (3 additional allotments) and Common Property as per the plan of division by Olden and Van Senden Ref # 4681da V3 250520; it will be processed as a non complying development application by the Adelaide Hills Council being the relevant authority under the Development Act 1993.

1.1 The Zone

The land is wholly within the Country Living (CL) Zone (Stirling and Aldgate Policy Area) consolidated 2019.

2.0 NATURE OF THE DEVELOPMENT AND NATURE OF THE LOCALITY

2.1 The Proposal

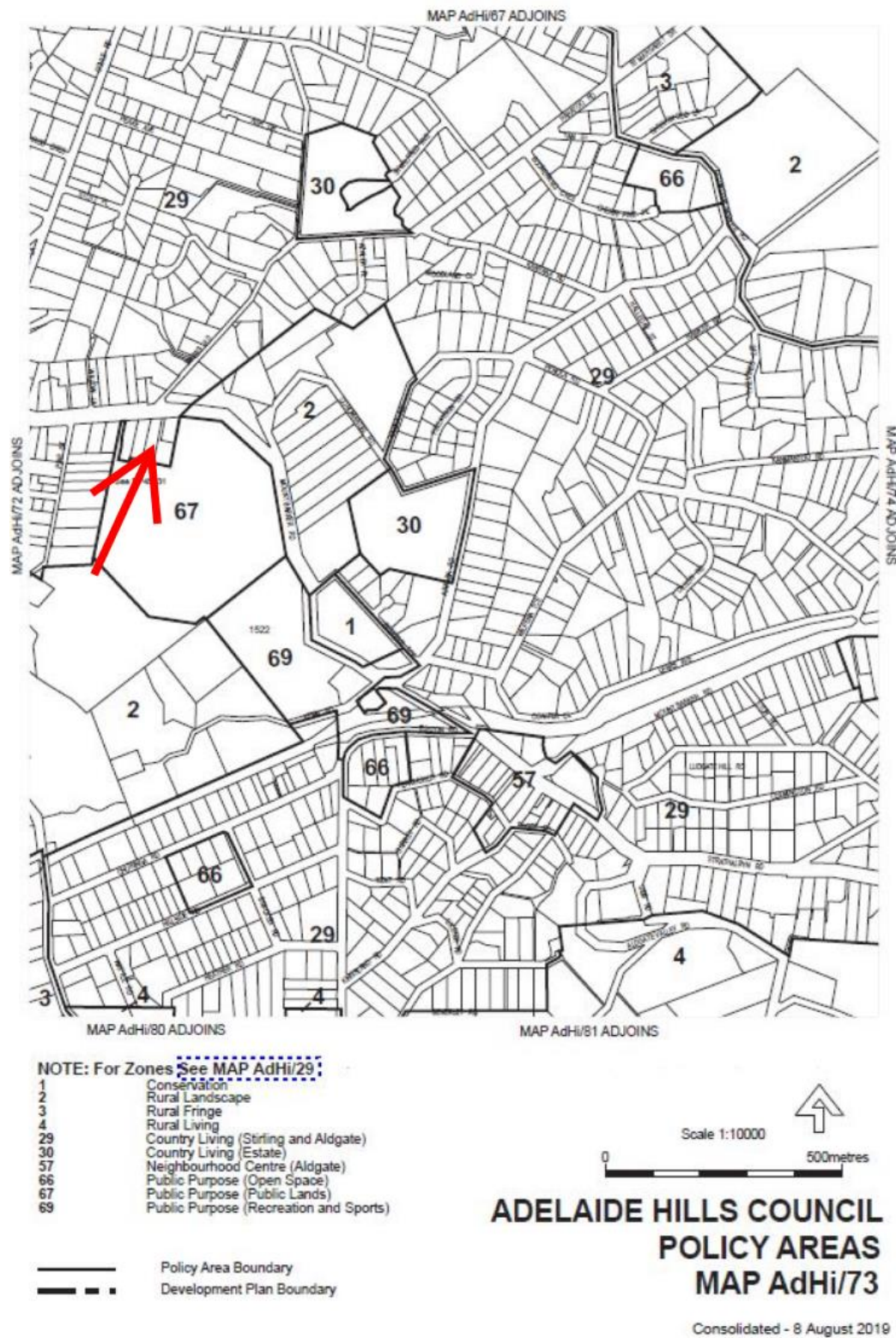
The proposed development is to divide the 1 allotment, which is in the Country Living Zone, into 4 allotments (3 additional) and common property as described in the plan of division by Olden and Van Senden Ref # 4681da V3 250520 (extract below).



2.2 The Locality

The area of the land is essentially residential in form but located in the Country Living Zone of Aldgate (AdHi41). The plan below shows the locality Policy Area Map (AdHi73).





2.3 Background

The land is currently a small 4 unit residential flat development that has existed for many years.

The Council have been rating this land as 4 separate entities for many years, copies of the relevant rates notices are attached in the Appendix.

2.4 The Land

The land is described as allotment 54, Sec P94, FP 157900, and is held in CT 5564/877.

REAL PROPERTY ACT, 1886



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



Certificate of Title - Volume 5564 Folio 877

Parent Title(s)	CT 3611/186		
Creating Dealing(s)	CONVERTED TITLE		
Title Issued	13/08/1998	Edition 1	Edition Issued 13/08/1998

Estate Type

FEE SIMPLE

Registered Proprietor

DODD NOMINEES PTY. LTD. (ACN: 008 787 120)
OF PO BOX 720 BRIDGEWATER SA 5155

Description of Land

ALLOTMENT 54 FILED PLAN 157900
IN THE AREA NAMED ALDGATE
HUNDRED OF NOARLUNGA

Easements

NIL

Schedule of Dealings

NIL

Notations

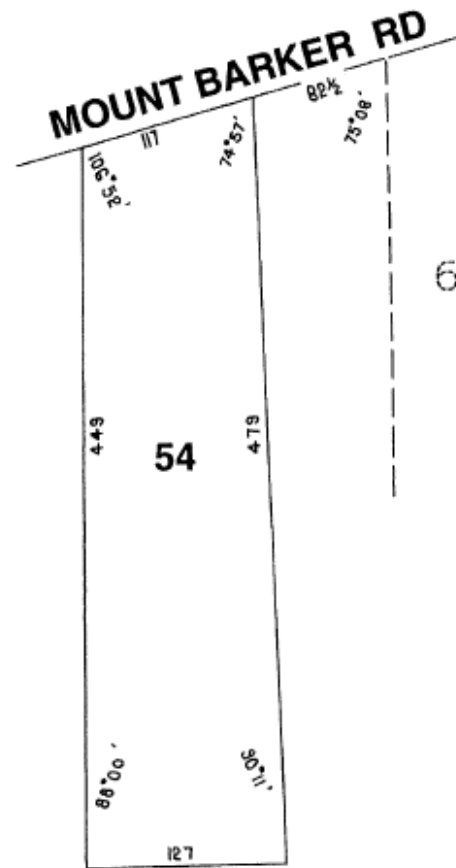
Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



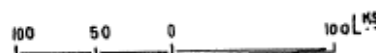
Product
Date/Time
Customer Reference
Order ID

Register Search (CT 5564/8//)
25/02/2020 03:11PM
20200225009612

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 3611/186

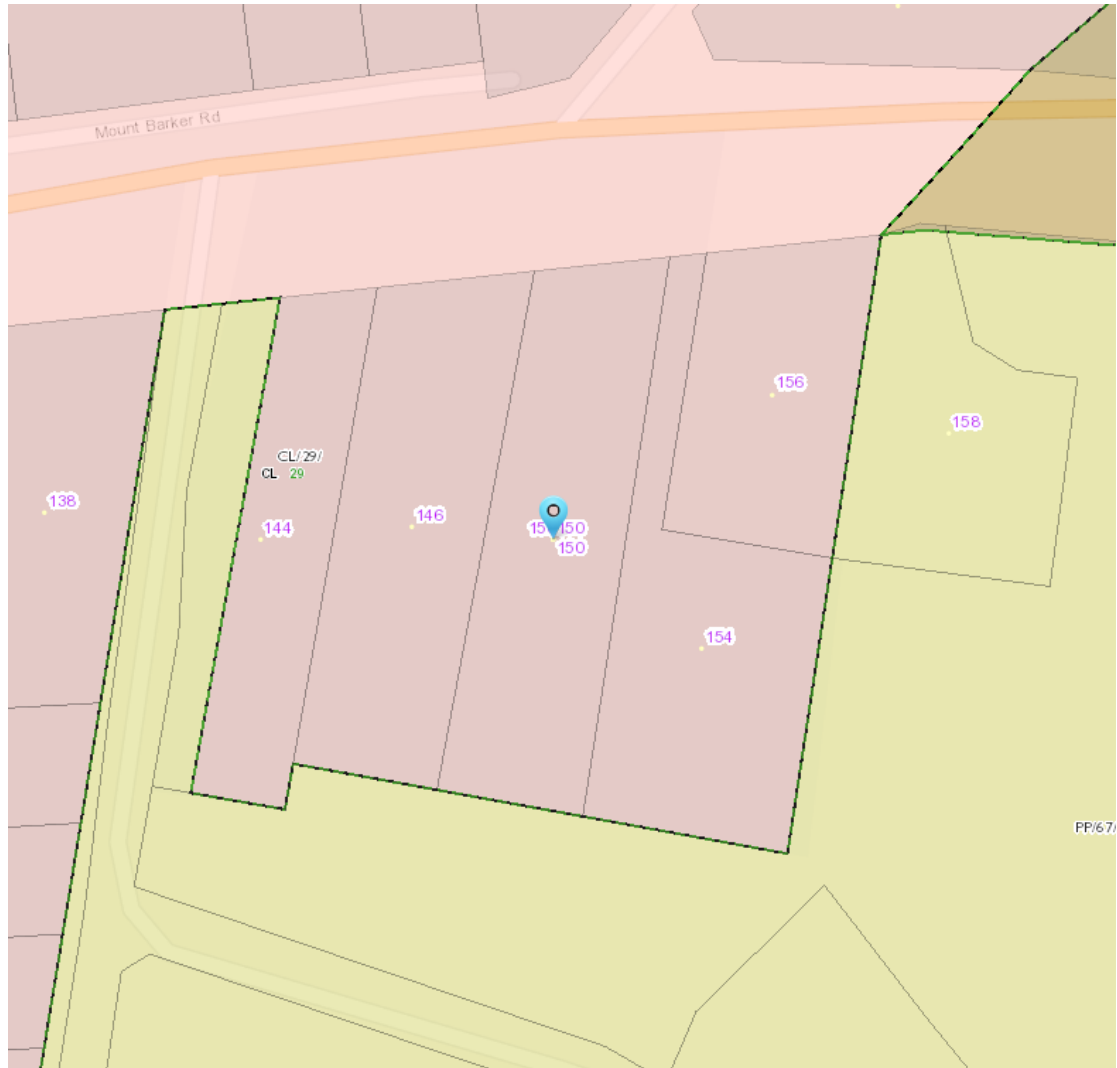


PT 5
NOARLUNGA NDP



**DISTANCES ARE IN LINKS
FOR METRIC CONVERSION**
1 LINK = 0.201168 METRES
1 CHAIN = 100 LINKS

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



The land fronts Mount Barker Rd, in the Town of Aldgate (see attached location plan).

2.5 Relevant Provisions of the Development Plan

The following provisions of the Adelaide Hills Council Development Plan consolidated 2019 are considered to be relevant to the proposal.

KIND OF DEVELOPMENT

The State Commission Assessment Panel “SCAP” have determined (on EDALA) that this is a Non Complying form of development.

Non-complying Development (Truncated- CL Zone)

The following kinds of development are non-complying in the Country Living Zone, including alterations and additions to an existing building on its existing site:

Land division

Except:

- (a) in the Ayers Hill Road Historic Policy Area, where no additional allotments are created; or
- (b) in that part of the zone outside Ayers Hill Road Historic Policy Area, either:
 - (i) where no additional allotments are created; or
 - (ii) where any additional allotments are either:
 - (A) a minimum of 4000 square metres in area, or
 - (B) in the Bridgewater Policy Area, a minimum of 1000 square metres; or
 - (C) of an equal or greater size than the median allotment size in the locality 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 primary allotment frontage and which,
 - (D) contains 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.

COUNCIL WIDE PROVISIONS

Land Division

LAND DIVISION

OBJECTIVES

- 1 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.
- 2 Land division that creates allotments appropriate for the intended use.
- 3 Land division layout that is optimal for energy efficient building orientation.
- 4 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.
- 6 Development of compact extensions to existing built-up areas.

The proposed land division includes dividing land that is already utilised for 4 existing lawful residential flat buildings. The proposed land division will be for residential uses, with the lawful developments currently located on the site offering affordable housing in the locality. Therefore, it is submitted that the size of the intended allotments concurs with Objective 2.

It is noted that the current development is well supported with existing infrastructure and access, and there will be no further impact on infrastructure. Additionally, the landscape and environmental features of the site will remain unchanged.

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 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:
 - (i) does not increase the flow rate downstream

- (ii) maximises interception, retention and removal of water borne pollutants (including sediment, litter, nutrients, microbial contaminants and other potential toxic materials) prior to their discharge into receiving water
 - (iii) where practicable, retains or detains stormwater flows for re-use close to its source including possible aquifer storage and re-use.
 - (b) a sufficient water supply should be made available for each allotment
 - (c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health
 - (d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.
- 2 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 use
 - (b) any allotment will not have a frontage to one of the following:
 - (i) an existing road
 - (ii) a proposed public road
 - (iii) access to a public road via an internal roadway in a plan of community division
 - (c) the intended use of the land is likely to require excessive cut and/or fill
 - (d) it is likely to lead to undue erosion of the subject land or land within the locality
 - (e) the wastewater treatment plant to which subsequent development will be connected does not have sufficient capacity to handle the additional wastewater volumes and pollutant loads generated by such development
 - (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 to the intended use(s)
 - (g) any allotments will straddle more than one zone, policy area or precinct
 - (h) the allotments unreasonably restrict access to publicly owned land such as recreation areas
 - (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 *Figure R/1*.
 - (j) the land is identified on *Figures AdHiFPA/1 to 19* as being subject to flooding.

The proposal is in total accord with Principle 2. All lots will have access to Mount Barker Rd via an internal roadway (as per the plan of division by Olden and Van Senden Ref # 4681da V3 250520 attached). The proposal consists of four existing lawful residential flats, so is not considered to offend (e) and (f). The proposed development is located entirely within the Country Living Zone, and is not located in a Flood Prone Area as shown on Figures AdHiFPA/1 to 19.

7 Land division should result in allotments of a size suitable for their intended use, as the proposal involves four existing dwellings.

The proposal adheres to Principle 7 above.

8 Land division should facilitate optimum solar access for energy efficiency. The existing dwellings have good solar access to their rear yards.

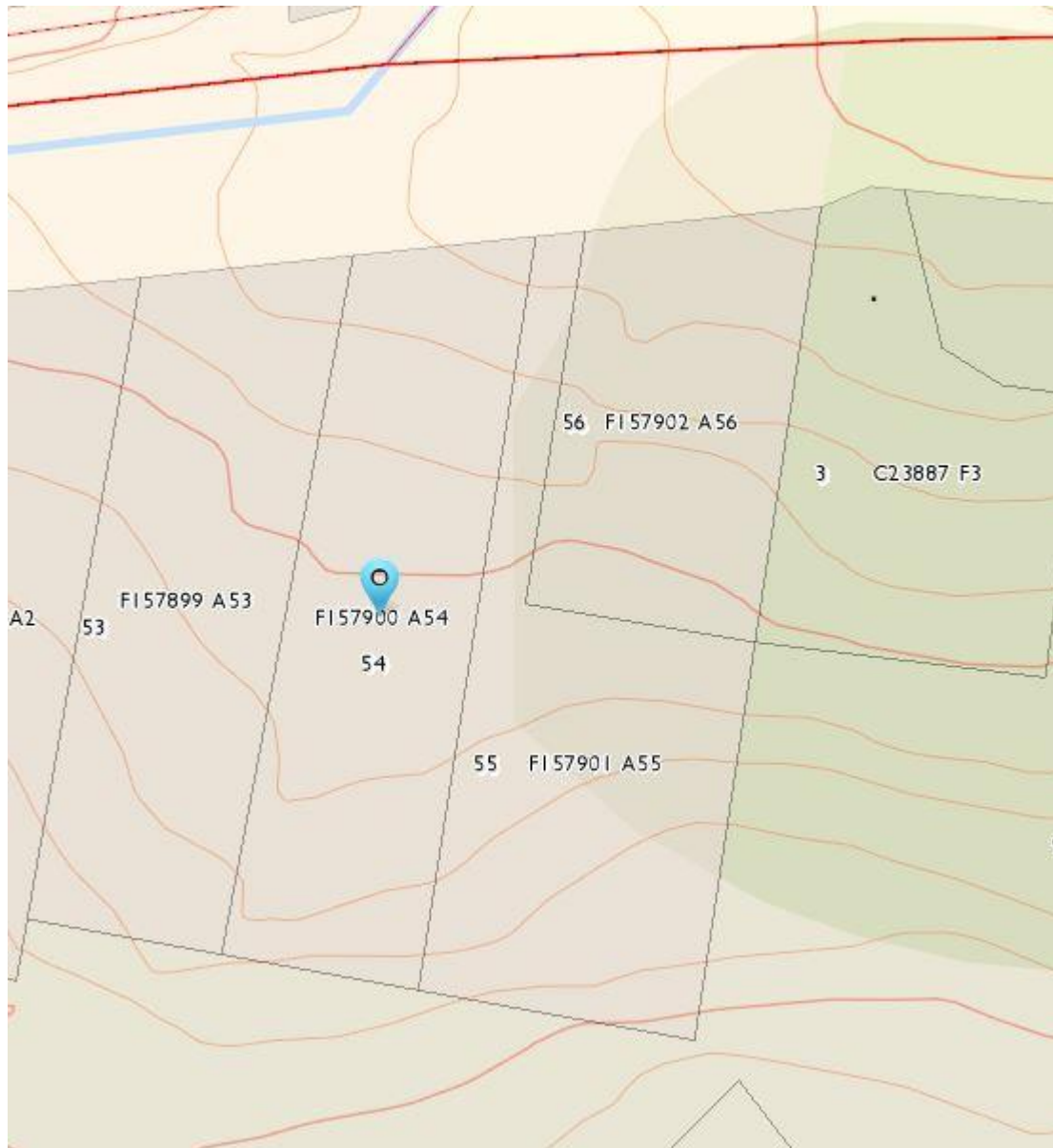
15 The arrangement of roads, allotments, reserves and open space should enable the provision of a stormwater management drainage system that:

- (a) contains and retains all watercourses, drainage lines and native vegetation
- (b) integrates with the open space system and surrounding area
- (c) incorporates detention and/or retention basins necessary to maintain the peak volume and rate of peak flow run-off from newly developed areas at levels as near as possible to those which existed prior to urban development
- (d) provides, where feasible, for aquifer recharge

- (e) enhances residential amenity
- (f) directs stormwater generated from roads and car parks through natural stormwater treatment and devices such as swales, bio-retention systems and wetlands.

The proposed allotments are well designed to manage existing water courses, the land naturally falls to the existing swale drain in the street.

See Land Contour Map Below



Roads and Access

16 Road reserves should be of a width and alignment that can:

- (a) provide for safe and convenient movement and parking of projected volumes of vehicles and other users
- (b) provide for footpaths, cycle lanes and shared-use paths for the safety and convenience of residents and visitors
- (c) allow vehicles to enter or reverse from an allotment or site in a single movement allowing for a car parked on the opposite side of the street
- (d) accommodate street tree planting, landscaping and street furniture
- (e) accommodate the location, construction and maintenance of stormwater drainage and public utilities
- (f) provide unobstructed, safe and efficient vehicular access to individual allotments and sites
- (g) allow for the efficient movement of service and emergency vehicles.

19 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:

- (a) the size of proposed allotments and sites and opportunities for on-site parking
- (b) the availability and frequency of public and community transport
- (c) on-street parking demand likely to be generated by nearby uses.

20 The layout of land divisions should incorporate street patterns designed to enhance the efficient movement of traffic and minimise trip lengths.

The proposed land division does not include any physical change to the current access to the four dwellings on site. There exists vehicular access from Mount Barker Rd to the dwellings by an internal driveway, which facilitates the easy access and parking of vehicles, as well as provision for CFS access as per the attached plan by OLDEN and VAN SENDEN.

The proposal finds support in the Principles above, as the land proposed for division currently contains 4 lawfully erected residential buildings that is well served by existing utilities and infrastructure, and will be accessed by a community titled driveway (as per the plan of division by Olden and Van Senden Ref # 4681da V3 250520 attached). There is no additional development of dwellings or structures proposed. The size of the allotments are considered to be suitable for their intended residential use, especially when it is considered that the boundaries of the proposed lots are implied by the long standing lawful use of the land by 4 dwellings.

COUNTRY LIVING ZONE

Refer to the *Map Reference Tables* for a list of the maps that relate to this zone.

OBJECTIVES

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

The proposal finds support in the above Objectives for the Country Living Zone, as the proposal does not intend to extend upon existing residential development on the land, and affords the opportunity for a range of housing options for those in the area. It is considered that the

proposal is in line with the *Desired Character* Statement below, which states that there will be no discernible pattern of allotment size. It is submitted that, notwithstanding the non-complying status of the application, most of the land in this part of Aldgate has been developed in a way that is at significant variance to the Development Plan. Most allotments in the precinct are in fact much smaller than 4000m² (as per the Non-Complying list). Reference to the cadastre reveals that the archetypal ordinary residential allotment is in fact 1000m² with occasional allotments at around 2000m² and an even smaller percentage exceeding 2000m². It is also noted that the Valuer-General has assessed the 4 dwellings as independent entities for many years. (Copies of the relevant rates notices are attached in the Appendix).

DESIRED CHARACTER

Development within the zone will predominantly comprise detached dwellings at very low-densities. Non-residential development, such as child-care centres and primary schools as well as small-scale consulting rooms, offices, tourist accommodation and shops, will be scattered throughout the zone where their impact on the character of the locality in terms of noise, traffic movements and appearance is minimal.

The street layout of the zone is strongly influenced by the undulating topography. As a consequence, streets are generally irregular in their location, shape and layout.

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 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 issues such as access, vegetation removal, stormwater management, and slope as well as the provision of essential services have been appropriately addressed. Mature vegetation will provide a defining feature of the zone and will dominate views from all locations. This vegetation will be a mixture of exotic and native species and will be situated on verges, reserves and within private properties.

Typically, streets will remain informal in character with limited kerb and guttering and narrow, bitumen footpaths. In combination with minimal use of front fences and heavily vegetated verges and gardens, an informal streetscape will be established where the distinction between the public and private realm is somewhat blurred.

The design of buildings throughout the zone will vary considerably. While there will be a significant number of large dwellings featuring traditional designs and materials, there will also be an increasing number of new dwellings with modern designs and building materials which are energy efficient and respond sensitively to the topography and vegetation.

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. Front fences will be non-reflective and low or visually permeable to enable views to the front garden. Split level dwelling designs may be necessary to reduce the extent of earthworks required to establish building sites and access roads.

Domestic outbuildings, such as garages and carports, will be located as either separate structures to the side or rear of dwellings or, alternatively, under the main roof. They will be visually subservient to the main dwelling and will not dominate views from the street.

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.

Country Living (Stirling and Aldgate) Policy Area

Refer to the *Map Reference Tables* for a list of the maps that relate to this policy area.

OBJECTIVES

1 Development that contributes to the desired character of the policy area.

The proposal fully accords with the *Desired Character* statement of the Country Living (Stirling and Aldgate) Policy Area, and satisfies the above Objective.

The proposal will result in the creation of land titles for four existing lawful single storey dwellings, four small dwellings on a 2250m² allotment, representing a relatively low density.

DESIRED CHARACTER

Stirling and Aldgate are significant townships with clearly defined town centres surrounded by substantial residential areas which have merged over time with other areas within the Country Living Zone.

A number of creeks, some of which are prone to flooding, flow through the policy area. These creeks will be rehabilitated to provide a network of habitat corridors. Similarly, a network of walking trails will be developed to link reserves to the town centre and surrounding residential areas.

Mount Barker Road and Strathalbyn Road provide the main road access routes through the policy area. Development adjoining these roads will feature generous setbacks, frontages and landscaping to ensure that their function and operation as arterial roads is retained.

Outside the District and Neighbourhood Centres, land uses will be predominantly residential apart from community related activities such as schools and churches, and small scale tourist accommodation premises scattered throughout the policy area. Other non-residential development will be limited to small-scale shops, offices and consulting rooms in association with a dwelling within designated areas. Residential densities will remain very low, apart from some pockets of higher density retirement housing.

Land division potential, will remain limited within the policy area, however additional allotments will be created where they complement the character of the locality in terms of size and frontage. 'Hammer-head' allotments will be developed where their shape and associated access 'handles' do not negatively impact on the character of the locality.

The design of buildings throughout the policy area will vary considerably. There will be a significant number of very large dwellings interspersed with a wide variety of much smaller dwellings featuring a range of building styles, materials and designs.

Development will respect the general pattern of generous setbacks, heavily landscaped gardens and low front fences. The policy area will retain a sense of space and openness which will emphasise and protect the heavily vegetated landscape. Development will respect the undulating topography through the incorporation of split level dwelling designs and the careful location of building sites and access roads to minimise earthworks.

Development near the Heathfield Wastewater Treatment Plant should not prejudice the continued operation of that facility and must be located, designed and developed having regard to the potential environmental impacts associated with a wastewater treatment plant.

The proposal does not intend to alter the generous setback from the Mount Barker Rd Frontage. There will be no impact on any of the existing, substantial vegetation that lines the road or the site. The existing buildings adhere to the intent of the *Desired Character* statement in regards to their size, materials and design. The Allotment described as Common Property 1 (CP1 on the attached division plan by Olden and Van Senden Ref # 4681da V3 250520) provides ample open

space at the Northern boundary on the site, in adherence with the above statement.

3.0 MOVEMENT OF PEOPLE & GOODS

The existing dwellings are currently well served by internal driveways which facilitate the easy access and parking of vehicles.

The entry into Mt Barker Road will be in accordance with the existing long standing vehicular access.



4.0 CONSERVATION AND APPEARANCE

The proposed use will have a nil effect on the visual amenity of the area due to the fact that no additional dwellings or other structures are proposed. It will not necessitate the removal of any vegetation.

5.0 PUBLIC UTILITIES

Due to the fact that all buildings' infrastructure are in place, the proposal will not cause any greater load on public utilities than currently exists.

6.0 SOCIAL, ECONOMIC & ENVIRONMENTAL EFFECTS-

The proposal will give credence to an existing lawful residential development that has existed in Aldgate for many years

7.0 OTHER MATTERS

It is important to note that the Valuer-General has, for many years, assessed the 4 dwellings as independent dwellings and issued rates notices for each dwelling accordingly (see attached).

It is noted that a rendered 225mm brick wall divides the units that are conjoined, this wall extends to the underside of the steel roof covering except that the fire separation does not extend to the roof space above the common verandas on the eastern side of both buildings pursuant to Regulation 5A Development Regulations 2008 below. This proposal therefore includes the erection of a lightweight FRL 60/60/60 fire rated wall in the roof space above the verandas to completely fire isolate the roof spaces between the two conjoined units.

Regulations 5A Development Regulations 2008

5A—Presumption with respect to division of certain buildings

For the purposes of section 33(1)(c)(v) of the Act, if a proposed division of land relates to an existing Class 1 or 2 building under the Building Code, walls of the building exposed to a fire source feature as a result of the proposed division must comply with Section C—Volume 1, and P2.3.1—Volume 2, of the Building Code as in force at the time the application for consent is made (and the [Development](#) Assessment Commission may not issue a certificate in respect of the division under section 51 of the Act unless or until it is satisfied (in such manner as it thinks fit) that such compliance exists).

Plans for the proposed fire rated wall are attached.

8.0 CONCLUSION

The proposal is supported by many provisions of the Development Plan that encourage orderly and economic development.

The use of the land as proposed is supported by the Objectives of the Country Living Zone.

The development of the site for this purpose will facilitate the achievement of many of the core objectives of the Development Plan including:

DISTRICT WIDE

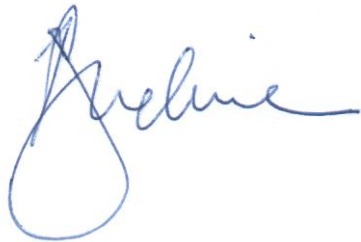
Objective 1: Satisfaction of the social, cultural and economic needs of the population of the district and surrounding region.

Objective 3: Provision for a choice of housing and lifestyles.

It is therefore submitted that this development is ideally suited to this site as it is consistent with the long standing development pattern of the precinct and will facilitate the attainment of the intent of the Development Plan.

The proposal is minimal in scale and effect and is not seriously at variance with the Adelaide Hills Council Development Plan consolidated 2019 .

It is therefore submitted that the proposal has considerable merit despite its non-complying status and it should be granted development plan consent subject to the concurrence of the SCAP.



1/8/20

Peter Meline

RPIA, MAIBS, JP

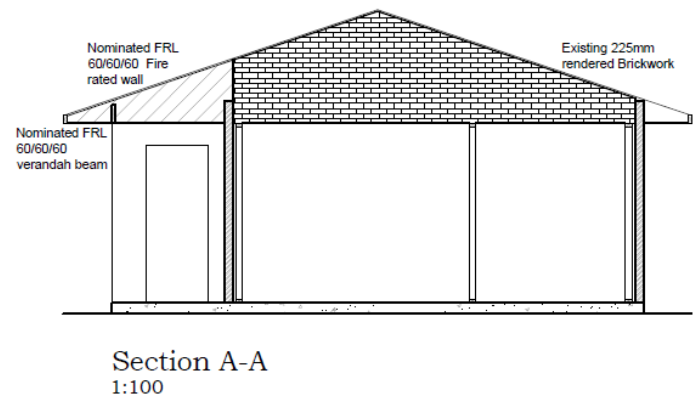
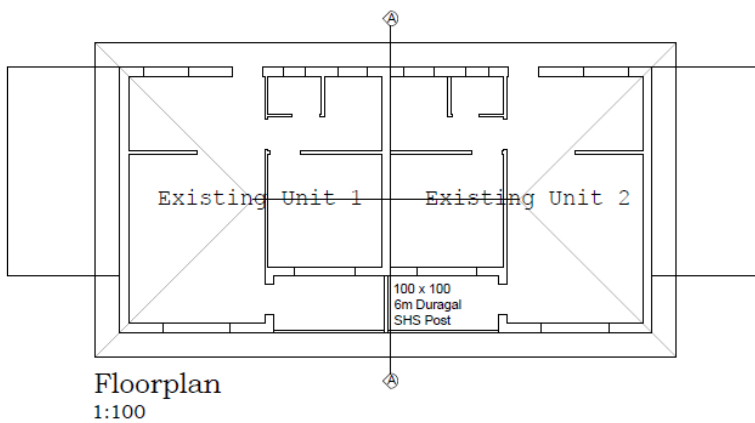
ACCREDITED PROFESSIONAL PLANNING LEVEL 1

ACCREDITED PROFESSIONAL BUILDING LEVEL 1

Attached:

Rates Notices for Units 1-4 dated 03/03/20;

Plans for Fire Rated Wall by MWM Drafting dated 03/08/20.



Proposed Firewall

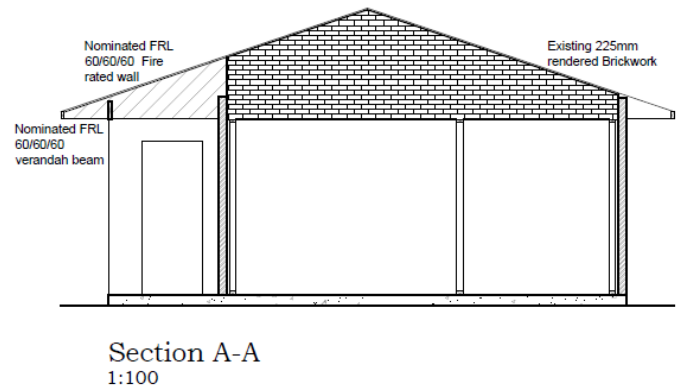
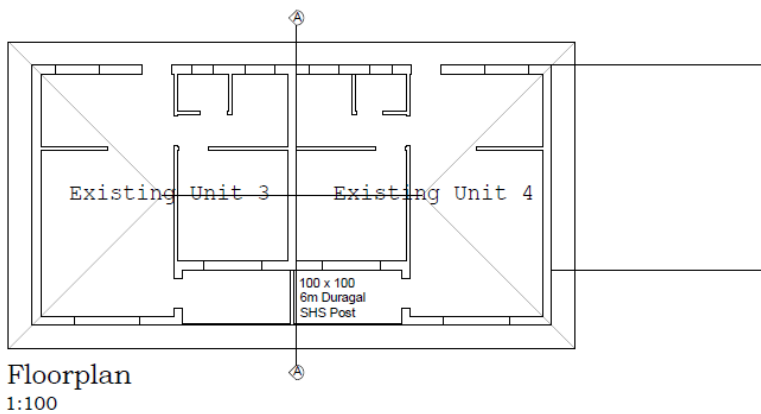
For Neville Roberts
At 150 Mount Barker Rd Aldgate Unit 1 & 2

Dated 03/08/2020

Version 2

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MWM
Drafting



Proposed Firewall

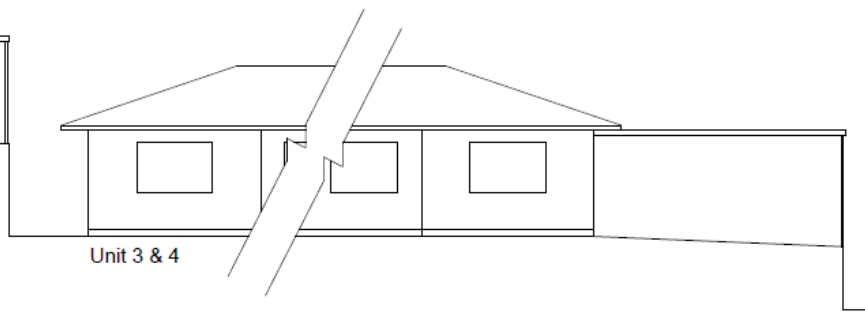
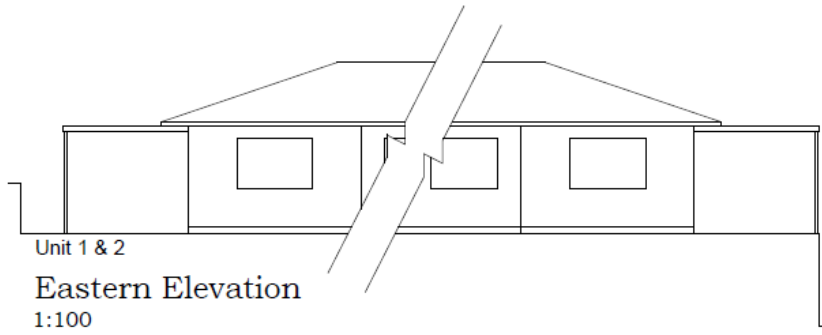
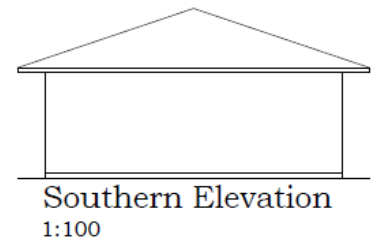
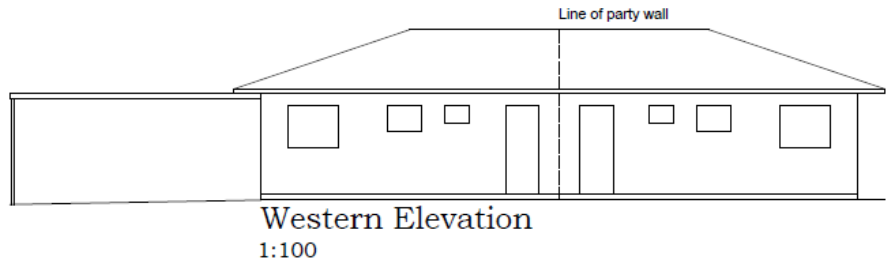
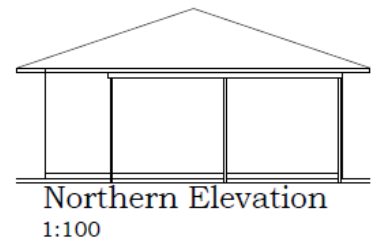
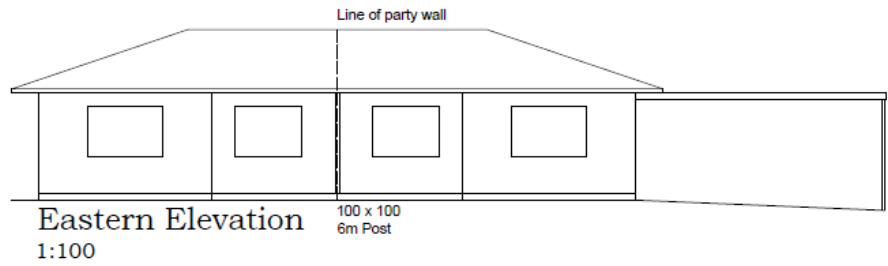
For Neville Roberts
At 150 Mount Barker Rd Aldgate Unit 3 & 4

Dated 03/08/2020

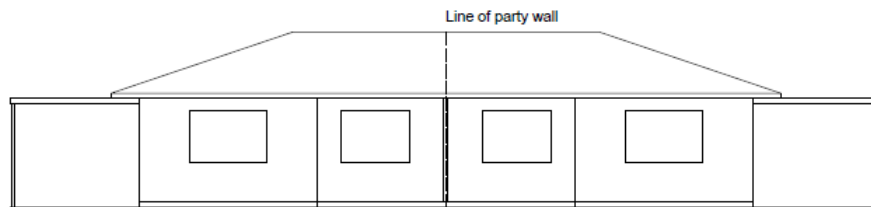
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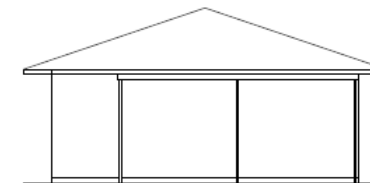


<p><u>Proposed Firewall</u> For Neville Roberts At 150 Mount Barker Rd Aldgate Unit 1 & 2</p>		<p><u>Dated</u> 03/08/2020 <u>Version</u> 2 Do not scale off this drawing</p>	<p><u>MWM</u> Drafting</p>
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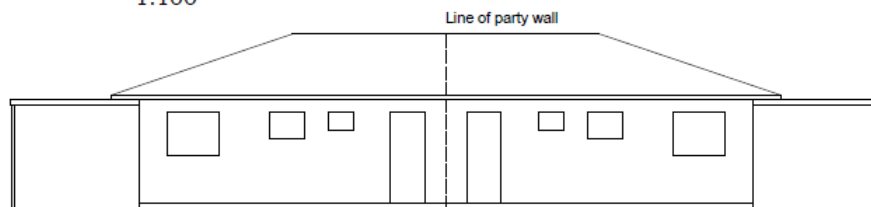
Eastern Elevation

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100 x 100
6m Post

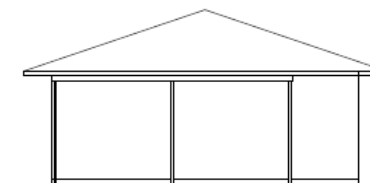
Northern Elevation

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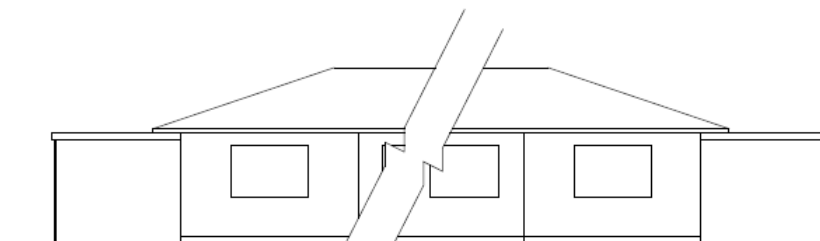
Western Elevation

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Southern Elevation

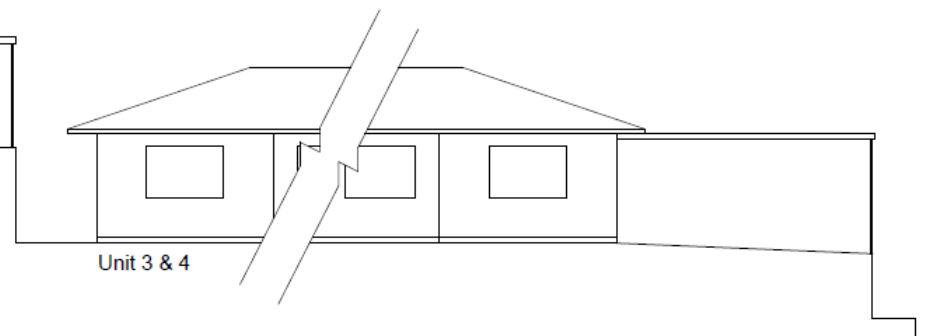
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Unit 1 & 2

Eastern Elevation

1:100



Unit 3 & 4

Proposed Firewall

For Neville Roberts

At 150 Mount Barker Rd Aldgate Unit 1 & 2

Dated 03/08/2020

Version 2

Do not scale off this drawing

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Drafting