

COUNCIL ASSESSMENT PANEL MEETING

9 June 2021

AGENDA – 8.6

Applicant: Simon Lucas	Landowner: S A & J A Lucas
Agent: Simon Lucas	Originating Officer: Damon Huntley
Development Application:	21/238/473 21/D006/473
Application Description: Land division - boundary realignment (2 into 2) (Non-complying)	
Subject Land: Lot:15 Sec: P499 DP:5524 CT:5611/669 Subject Land: Lot:20 Sec: P499 DP:83802 CT:6062/211	General Location: 70A and 72 Sheoak Road Crafrers West Attachment – Locality Plan
Development Plan Consolidated: 08 August 2019. Maps AdHi/27 & AdHi/71	Zone/Policy Area: Country Living Zone , Hills Face Zone
Form of Development: Non-complying – No Statement of Effect Required (R. 17 (6)(c)).	Site Area: 72 Sheoak Road: 2,173 square metres. 70A Sheoak Road: 800 square metres.
Public Notice Category: Category 1 (Sch. 9 Part 1 (3)(c)).	Representations Received: N/A Representations to be Heard: N/A

1. EXECUTIVE SUMMARY

The purpose of this application is for a minor boundary realignment (two existing allotments into two allotments) for the owners of 70A Sheoak Road to acquire the rear portion of land from 72 Sheoak Road, and have the rear portion of land realigned to form part of 70A Sheoak Road. The owner of 70A Sheoak Road seeks to acquire the vacant portion of land and retain in its current formation.

The subject land is located within the Country Living Zone and the Hills Face Zone as delineated in Map set AdHi/27 and is not subject to any Policy Area as per Map AdHi/71.

The subject allotments are located in both the Hills Face Zone and the Country Living Zone. Given that the subject land is located within the Hills Face Zone, the proposal is prescribed as a non-complying form of development. The proposal, being a boundary realignment resulting in the same number of allotments as the existing, is a Category 1 form of development pursuant to Schedule 9 Part 1 (3)(c) of the *Development Regulations 2008*, and accordingly, the application has not been subject to public notification.

The main issues relating to the proposal are as follows:

- Preservation of the natural character of the Hills Face Zone
- Orderly pattern of allotments within the Hills Face Zone
- High Bushfire Risk bushfire protection
- Impact on native vegetation

As per the CAP delegations, the CAP is the relevant authority for Category 3 non-complying development.

Pursuant to Section 35 of the *Development Act 1993*, the date of this application, being lodged on 17 February 2021 ‘post deletion’ of Section 35 (3) of the *Development Act 1993*, effective on 15 May 2020 the Relevant Authority will not be required to obtain the concurrence of the State Planning Commission in determining this application.

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

2. DESCRIPTION OF THE PROPOSAL

The proposed development seeks consent for the realignment of the common boundary between existing properties at 72A and 72 Sheoak Road, Crafers West. The realignment of the allotments contributes to a more consistent and orderly pattern of allotments in the locality (see Figure 1 & 2 below), and results in allotments being created with the following attributes:

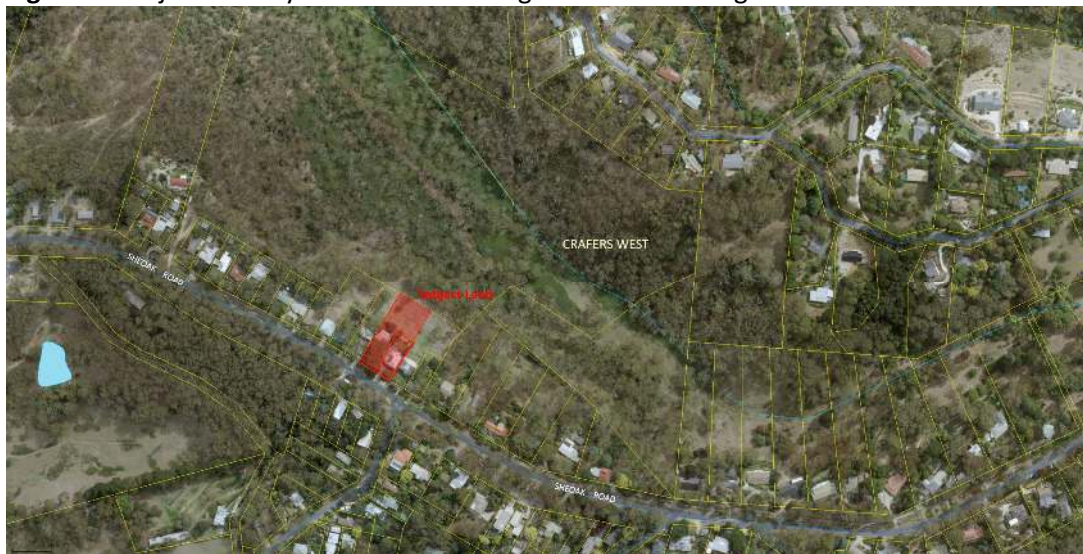
Existing Allotments

Allotment	Area (ha)	Containing	Configuration
15	840m ²	Existing Dwelling	Conventional rectangular
20	2169m	Existing Dwelling	Inverted ‘L’ shape (not battleaxe form)

Proposed Allotments

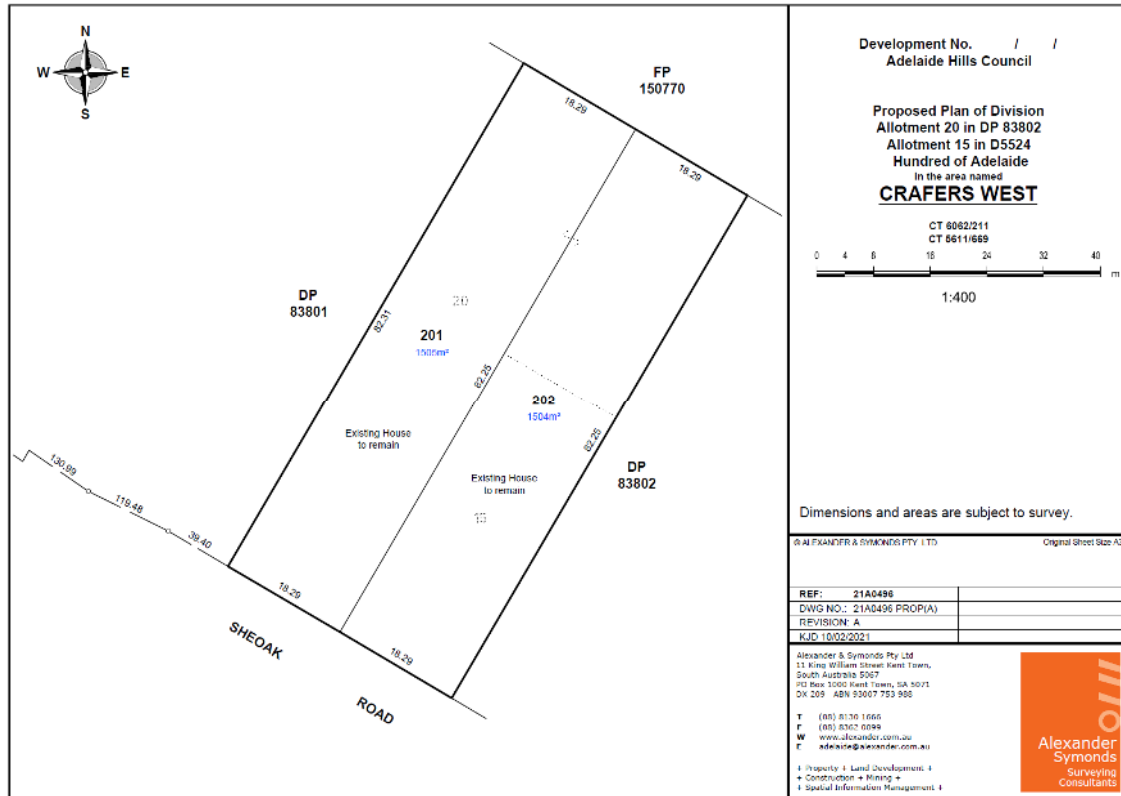
Allotment	Area (ha)	Containing	Configuration
202	1505m ²	Existing Dwelling	Conventional rectangular
201	1504m	Existing Dwelling	Conventional rectangular

Figure 1: Subject Locality & Land and existing allotments’ configuration.



Source: SAPPA

Figure 2: Resultant allotments' configuration.



The proposed boundary realignment will maintain two detached dwellings within independent allotments, maintaining 'status quo' of the existing dwellings and associated outbuildings. As for the rear of the two subject parcels, the boundary realignment seeks to distribute the rear north-eastern portion of land of 72 Sheoak Road to the rear of 70A Sheoak Road, forming two evenly handed allotments as depicted in figure 2 above.

As proposed, the subject allotments would form two rectangular shaped allotments, both having a depth of 82 metres, a width of 18.2 metres, and site areas in the order of 1,504 square metres.

Application detail and reference to previously approved wastewater system plans confirms that on-site wastewater treatment and disposal systems appurtenant to the two subject land parcels will not inadvertently become divorced from their respective dwellings, and therefore, no existing plumbing infrastructure would be impinged upon by the proposed boundary realignment.

3. BACKGROUND AND HISTORY

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
20 October 2020	20/1084/473	Verandah (70A Sheoak Road, Crafers West)
14 January 2010	09/186/473	Inground Swimming Pool and associated earthworks (70A Sheoak Road, Crafers West)

06 October 2009	08/1302/473	Two storey detached dwelling with garage under main roof, associated earthworks and retaining walls (70A Sheoak Road, Crafers West)
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4. REFERRAL RESPONSES

There were no Mandatory Referrals required pursuant to Schedule 8 of the Development Regulations 2008 and no informal referrals were undertaken.

The application was referred by the State Planning Commission via the EDALA system to the SA Water Corporation:

SA WATER CORPORATION

SA Water has no requirements for the proposed development – as the dwellings and existing servicing arrangements remain unaltered as a result of the proposed boundary realignment.

STATE PLANNING COMMISSION (SCAP)

The State Planning Commission has provided a standard condition to be imposed on any consent.

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

The above referral response is included as **Attachment – Referral Responses**.

5. CONSULTATION

The application was determined to be a Category 1 form of development in accordance with Schedule 9 Part 1 (3)(c) of the Development Regulations 2008, which provides that:

3. Any development classified as non-complying under the relevant Development Plan which comprises—

(a)

(b)

(c) the division of land where the number of allotments resulting from the division is equal to or less than the number of existing allotments.

As the proposal seeks a boundary realignment resulting in the same number of allotments as currently exist, the proposal is determined to be a Category 1 form of development not requiring public notification.

6. PLANNING & TECHNICAL CONSIDERATIONS

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

i. The Site's Physical Characteristics

The subject land parcels are currently 840 m² and 2169 m² in area respectively and will result in adjusted allotments of 1504 m² and 1505 m² respectively, with a transfer of just 664 m² occurring within the rear northern portion of land. This rear portion of land is undeveloped, is considerably sloping downhill towards Brownhill Creek and is practically devoid of vegetation with the exception of grasses / ground cover.

In terms of land use and built form, both subject allotments are used for residential purposes, each containing an existing dwelling. 70A Sheoak Road comprises an existing swimming pool located at the rear of the dwelling. To the rear of the dwelling at 70A Sheoak Road, land levels fall in three incremental tiers, levelled with retaining walls and a staircase. Both allotments are accessed via independent driveways directly from Sheoak Road. Large native trees are situated between the dwelling and front boundary of 72 Sheoak Road. Existing outbuildings are located to the front and rear of the dwelling at 72 Sheoak Road.

ii. The Surrounding Area

The surrounding area is influenced by the nature and function of Sheoak Road resulting in a ribbon of rectangular shaped allotments. To the north, a backdrop of native bushland extends downhill in the direction of Brownhill Creek. To the south of the subject allotments, an existing residential settlement pattern follows Albert Avenue, George Avenue, and Edward Avenue. Larger land holdings are located further to the west, characterised by dwellings, outbuildings, dams, and areas of dense native vegetation.

Allotments within the locality range between a minimum site area of 700 square metres (91 Sheoak Road), and a maximum site area of 1.5 ha (93 Sheoak Road). The depth and area of the proposed allotments would assimilate with the general pattern of allotments within the surrounding locality. Given that the boundary realignment relates to the rear of the subject allotments, the proposal would not affect the existing built form within the wooded streetscape.

iii. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

The subject land is located within the Hills Face Zone and the Country Living Zone of the Adelaide Hills Development Plan (Consolidated 8 August 2019). No Policy Area applies to the subject allotments.

The Hills Face Zone provisions seek to preserve and enhance the natural characteristics of land in the area for its aesthetic and biodiversity value whilst accommodating sensitive forms of development which do not undermine the objectives of the zone.

The zone also emphasises protection and enhancement of native vegetation and acknowledges the importance of development incorporating fire protection measures to minimize the fire risk.

The Country Living Zone seeks to accommodate a low and very low density pattern of residential development in areas that are influenced by undulating topography. The zone anticipates various allotment sizes, and a mixture of dwelling sizes comprising both traditional and modern designs.

The following are considered to be the relevant Zone provisions:

Hills Face Zone

Objectives: 1, 2
PDCs: 1, 3, 15,

Country Living Zone

Objectives: 1, 2, 3
Desired Character Statement: Para 1, 2, 3 & 8
PDCs: 1, 7, 14

Accordance with Zone

The relevant zone provisions illustrate the intention that development should occur in a manner that remains unobtrusive and preserves the natural environment with particular regard to the Hills Face Zone. Additionally, development of the land shall maintain 'low' to 'very low' development density.

The proposed boundary realignment does not alter the density of development within the locality. The resulting allotments will continue to support two detached dwellings. It is noted that the proposal will rearrange the allotment boundaries into a more orderly composition where each dwelling is situated upon uniform and evenly sized land parcels.

The area of land intended for the boundary realignment does not cover an area of vegetation, and as such, the proposal preserves the existing landscape, with no loss of vegetation as a result of the proposed boundary realignment.

The establishment of the realigned boundary will not increase visibility of the dwellings upon either allotment within the street. In regard to views from the road, it is noted that the dwellings already have presence within the streetscape.

As discussed previously within this report, the boundary realignment is fundamentally an administrative one, to better distribute land evenly and orderly between the two subject land parcels.

The proposal is not considered to be prejudicial to the natural landscape amenity of the locality.

Form of Development

The Country Living Zone PDC 1 seeks 'dwelling' as an envisaged form of development within the zone. As the proposal seeks a realignment between adjoining boundaries, the proposed development is consistent and continues the existing residential land uses within that zone.

The Hills Face Zone seeks preservation of the natural environment and natural aesthetics and biodiversity of land, which is also substantially achieved in this application. No adverse impacts will result from the realignment of the boundaries, and there will be no impact to the natural environment or its appearance. The proposal will not propagate or perpetuate any greater impact upon the land in terms of land use or built form than what is already existing.

The form of the proposed development is considered to be consistent with the relevant objectives and intent of the Country Living Zone and the Hills Face Zone.

Appropriateness of Proposal in Locality

Based upon consistency of land size, the existing residential settlement pattern established in the locality, and absence of any proposed building work, and tree damaging activities, the proposal is considered to be appropriate within the zones.

b) Council Wide provisions

The Council Wide provisions of relevance to this proposal seek to reinforce safety of life and property from natural hazards, in this instance, high bushfire risk. Development shall maintain pleasant and attractive urban environments with appropriate residential densities within the urban environment, and continue to preserve and enhance the attractive character and natural environment of the Hills face.

The Council Wide land division provisions seek to ensure that the arrangement of land is orderly and does not result in improper arrangement of boundaries, or land parcels inappropriate for their intended use.

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

Hazards

Objectives: 1 & 2

PDCs: 8 & 13

The proposal is considered to be accordance with the relevant Hazards provisions, particularly PDC's 8 & 13. The adjustment of the allotment boundaries not only preserves the residential use of each allotment, but also secures each land owners' legal capability to retain asset protection areas in order to maintain and protect that land upon the relevant land titles.

Elements of access, and water supply are existing and established, with only the arrangement of the dividing boundary and the tenure of the land being altered. No dedicated water storage tanks would be separated from either property as a result of the boundary realignment.

Land Division

Objectives: 1, 2 & 4

PDCs: 2 & 7

The proposal is considered to be in accordance with the land division provisions, specifically noting that all infrastructure exists and is not proposed to change as a result of the boundary realignment. The arrangement of the on-site effluent treatment and disposal systems are confirmed to be contained wholly within each resulting allotment, and as such, no waste systems would be divorced from either property as a result of the boundary realignment.

The proposed realignment of the boundary creates an appropriate composition of land and buildings within the surrounding settlement pattern. It is noted that the even site areas, and parallel length of the central common boundary will provide an equal amount of open space at the rear of each property, offering a uniform and orderly arrangement of residential land.

Natural Resources

Objectives: 8, 10, 13 & 14

PDCs: 6 & 38

The Council Wide Natural Resources provisions generally seek protection of the natural landscape and biodiversity value of sensitive and significant natural environments. The proposal does not seek to intensify the existing use of land, and does not seek to perpetuate any additional development within the subject allotments. The boundary realignment does not propagate any new or increased development opportunity for the subject sites, and does not create the need for any vegetation clearance for the creation of boundaries or fencing.

The proposed boundary realignment will have negligible impact upon the Hills Face Zone and the natural wooded character of the surrounding area. It is anticipated that the boundary realignment would allow for the installation of a new shared boundary fence, which would be centrally located in the lower vacant portion of land of the 72 Sheoak Road. The proposed fence would not have an impact on native trees, or any other sensitive natural features.

The proposal is not considered to be prejudicial to the natural resources within the locality or undermine the Development Plan policy intent to protect land, water, and biodiversity in sensitive and significant natural environments.

7. SUMMARY & CONCLUSION

The proposal assessed against the provisions of the Adelaide Hills Development Plan, Consolidated 8 August 2019, is considered to demonstrate appropriate merit to be supported by Council's Assessment Panel.

The relatively minor alteration of the common boundary will not detrimentally affect the semi-rural character of the surrounding locality. Rather it will further establish consistency and order in the configuration of allotments.

The proposed boundary realignment is fundamentally administrative in nature and does not purport any unreasonable impacts to the natural environment or the amenity of the area. The proposal simply establishes new and orderly boundaries for the residential uses of the existing allotments.

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

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent and Land Division Consent to Development Application 21/238/473 (21/D006/473) by Simon Lucas for Land division - boundary realignment (2 into 2) (Non-complying) at 70A and 72 Sheoak Road, Crafers West SA 5152 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: REF: 21A0496 DWG No: 21A0496 PROP(A) REVISION: A) by Alexander Symonds Surveying Consultants, Dated 10/02/2021.

Planning Notes

(1) Development Plan Consent

This Development Applications is valid for a period of twenty four (24) months commencing from the date of the decision.

Council Land Division Statement of Requirements

Nil

Council Land Division Notes

Nil

SCAP Land Division Statement of Requirements

(1) 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.

SCAP Land Division Notes

Nil

9. ATTACHMENTS

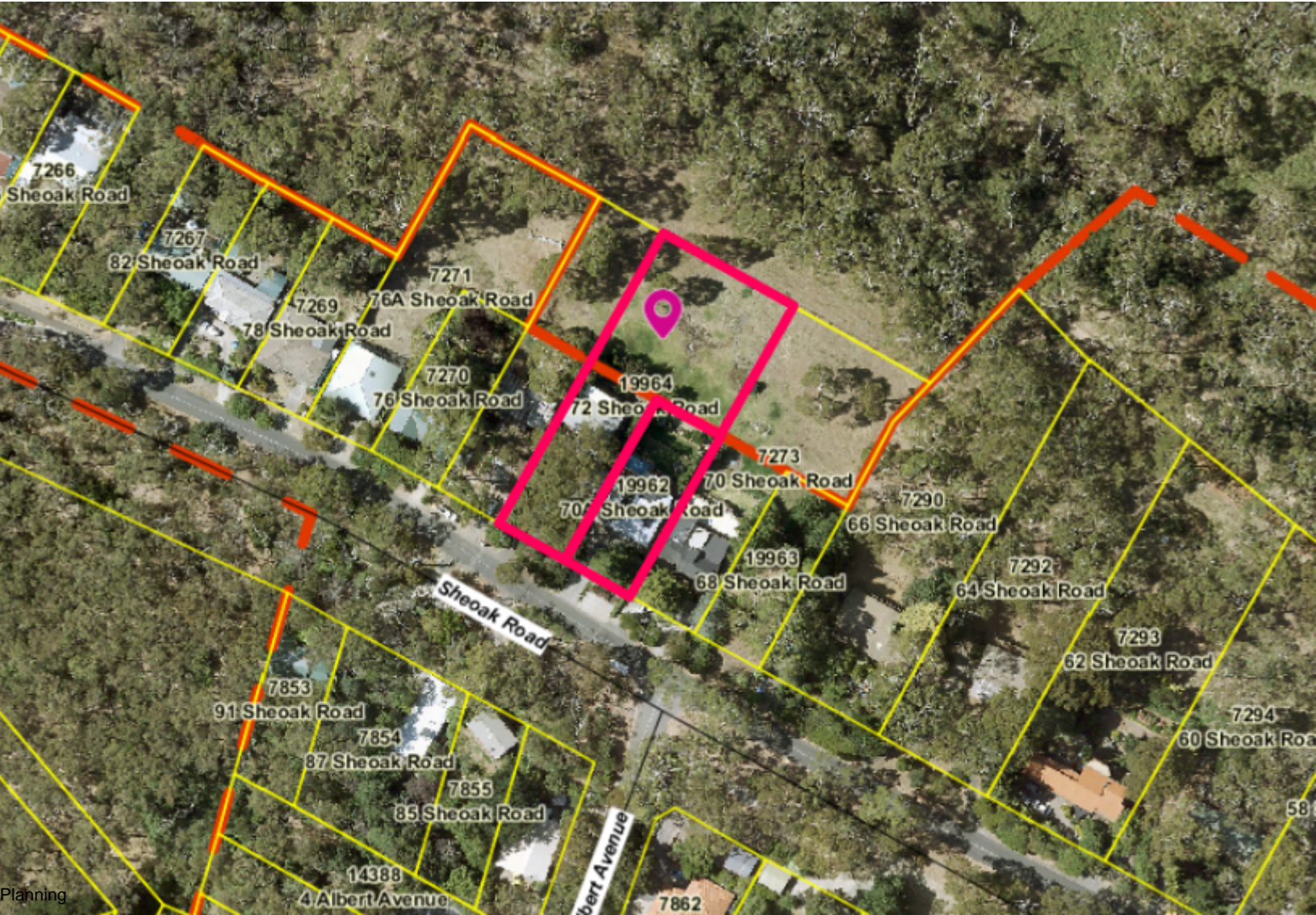
Locality Plan
Proposal Plans
Referral Responses

Respectfully submitted

Concurrence

Damon Huntley
Statutory Planner

Deryn Atkinson
Assessment Manager



Annotations

- Subject Land 2
- Subject Land 1

AHC Core

- PropertyOwner
- Roads

Zones_ Policy & Landuse

- Zones

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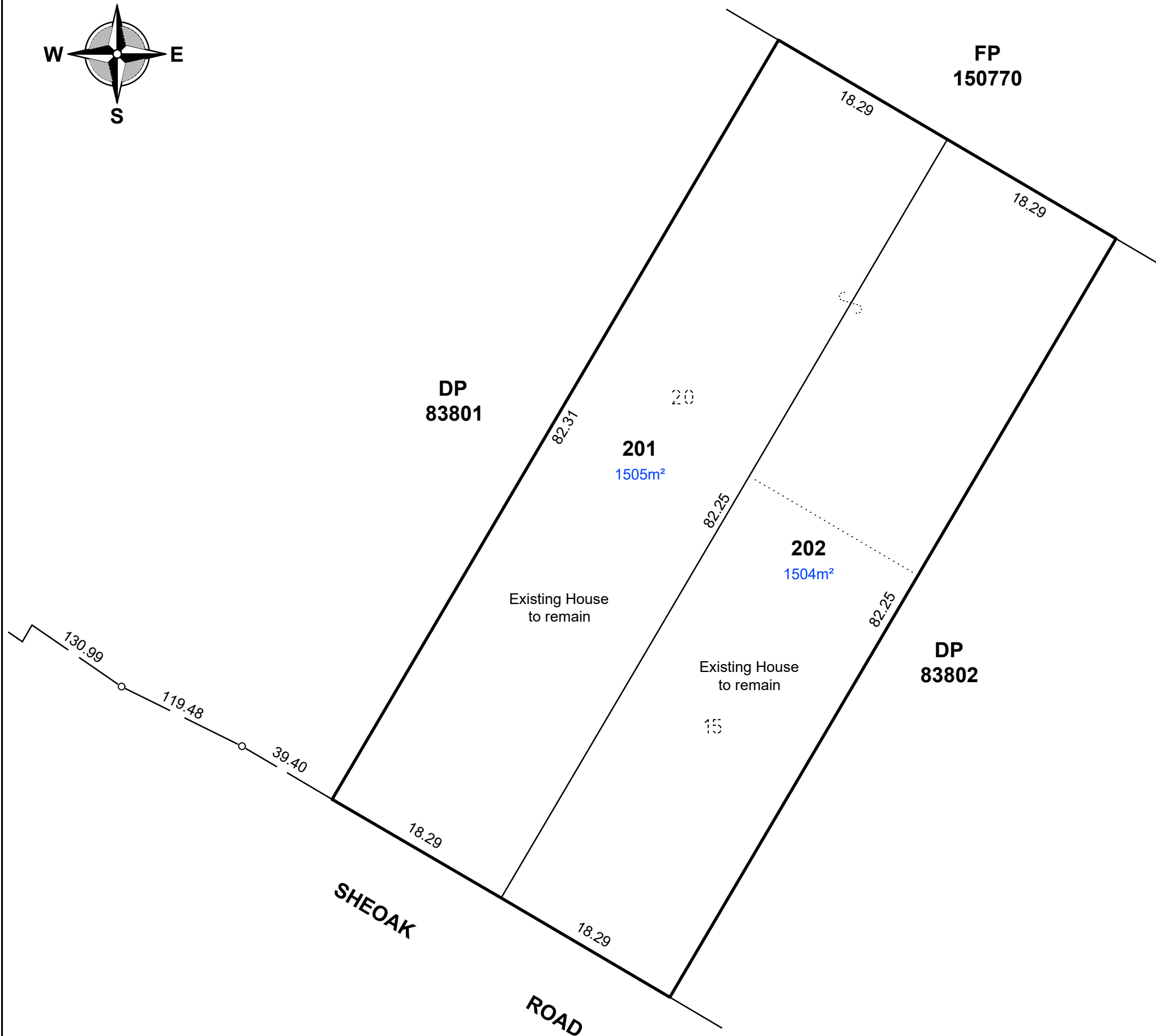
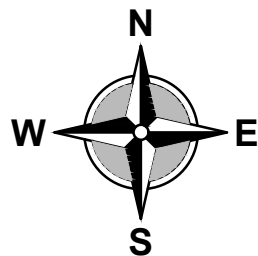
representations regarding the use, or results of use of the information contained herein as to its correctness, accuracy, currency or otherwise. In particular, it should be noted that the accuracy of property boundaries when displayed over aerial photography cannot be considered to be accurate, and that the only certain method of determining boundary locations is to use the services of a licensed Surveyor. The Adelaide Hills Council, its

employees and servants expressly disclaim all liability or responsibility to any person using the information or advice contained herein. ©

Scale = 1:1508.220

50 m





Development No. / /
Adelaide Hills Council

Proposed Plan of Division
Allotment 20 in DP 83802
Allotment 15 in D5524
Hundred of Adelaide
in the area named
CRAFERS WEST

CT 6062/211
CT 5611/669



1:400

Dimensions and areas are subject to survey.

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Original Sheet Size A3

REF:	21A0496	
DWG NO.:	21A0496 PROP(A)	
REVISION:	A	
KJD	10/02/2021	

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+ Property + Land Development +
+ Construction + Mining +
+ Spatial Information Management +





28 February 2021

Our Ref: H0111230

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

Dear Sir/Madam

PROPOSED LAND DIVISION APPLICATION NO: 473/D006/21 AT CRAFTERS WEST

In response to the abovementioned proposal, I advise that this Corporation has no requirements pursuant to Section 33 of the Development Act.

Yours faithfully

SARAH JOHNSON

for MANAGER LAND DEVELOPMENT & CONNECTIONS

SA Water
Level 6, 250 Victoria Square
ADELAIDE SA 5000
Ph (08) 7424 1119
Inquiries SARAH JOHNSON
Telephone 7424 1388



**STATE
COMMISSION
ASSESSMENT
PANEL**

A COMMITTEE OF THE STATE PLANNING COMMISSION

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State Commission
Assessment Panel

2 March 2021

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Chief Executive Officer
Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244

GPO Box 1815
Adelaide SA 5001

08 7109 7061

Dear Sir

**Re: Proposed Development Application No.473/D006/21 (ID 70513)
Land Division by Simon Lucas**

Further to my letter dated 1 March 2021 and to assist the Council in reaching a decision on this application, copies of consultation agency reports received by the State Commission Assessment Panel (SCAP) are available for your consideration.

Should Council decide to approve this application, the following requirements of the SCAP must be included as a condition of approval, pursuant to Section 33 (1) (c) of the *Development Act*.

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

SA Water Corporation has no requirements pursuant to the Development Act.

The SCAP does not generally support non-complying land division applications without adequate and detailed justification.

Should Council decide to approve this proposal as a non-complying land division, all relevant details pertaining to the application will need to be sent to the SCAP for concurrence purposes. You are referred to Section 35 (3) of the *Development Act 1993* and Regulation 25 (b) of the *Development Regulations 2008* with respect to the details required.

Yours faithfully

Biljana Prokic
LAND DIVISION COORDINATOR – PLANNING SERVICES

as delegate of the

STATE COMMISSION ASSESSMENT PANEL

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