



NOTICE

of

COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING

Pursuant to the provisions of Section 56A of the Development Act 1993

TO BE HELD IN

**COUNCIL CHAMBERS
PLAYFORD CIVIC CENTRE
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

MONDAY, 2 FEBRUARY 2015 AT 7:00PM

A handwritten signature in blue ink, appearing to read "S Green".

**SAM GREEN
ACTING CHIEF EXECUTIVE OFFICER**

Issue Date: Thursday, 29 January 2015

MEMBERSHIP

MR DAMIEN ELLIS - PRESIDING MEMBER

Cr Marilyn Baker
Ms Carol Muzyk

Cr Denis Davey
Mr Joel Taggart

Cr Michael Joy
Mr Simon Weidenhofer

CITY OF PLAYFORD STRATEGIC PLAN

Strategy 1 - Our foundations – services, city presentation and community pride	
Playford will rebuild itself with a range of facilities and services providing a village lifestyle that is connected socially and physically through a network of open spaces and sustainable trails. A sense of identity will pervade in the City with residents and businesses alike being proud of the community in which they chose to live and work.	<p>Outcomes:</p> <ul style="list-style-type: none"> 1.1 Liveable City with mix of services and facilities 1.2 Environmental responsibility 1.3 Attractive and sustainable open spaces 1.4 Improved visual amenity 1.5 Enhanced reputation
Strategy 2 - Securing Playford's future and building value	
Playford will ensure that the land that we own or govern is preserved for appropriate residential, manufacturing, horticultural, agricultural, commercial and recreational needs. We will undertake structure planning and build assets and infrastructure that secure our social, environmental and economic future.	<p>Outcomes:</p> <ul style="list-style-type: none"> 2.1 Well planned and sustainable City 2.2 Diversified and expanding economic base
Strategy 3 - Elizabeth, Adelaide's northern CBD	
Playford will further develop the Elizabeth Regional Centre as the major retail, commercial, education, social services, arts and entertainment centre for the region. This development will integrate with and underpin adjacent urban renewal, a Regional Sports Precinct, the Lyell McEwin Health Precinct, and a regional Education and Training Precinct with expanded tertiary facilities linked into developing manufacturing industries and the Defence Precinct.	<p>Outcomes:</p> <ul style="list-style-type: none"> 3.1 Provision of CBD facilities and services 3.2 Vibrant, walkable and cosmopolitan lifestyle 3.3 Opportunities for social interactions
Strategy 4 - Securing Playford's future in the global economy	
The City of Playford will capitalise on its strategic geographical position and demographics to work with other local government bodies, the State and Commonwealth governments, applied research bodies and other regions to establish a diverse industry base and expand its defence, advanced manufacturing, horticulture, health and ageing industry sectors to provide local jobs for local people, capitalising on the digital economy, as the foundation for a rising standard of living for the community.	<p>Outcomes:</p> <ul style="list-style-type: none"> 4.1 Key economic drive of the State 4.2 Robust local economy with local job opportunities 4.3 Part of Southern Food Bowl with national and international links 4.4 Re-focused manufacturing to support economic growth in the north of the State
Strategy 5 - Building our capabilities	
As the entity responsible for many of the needs of its community, the City of Playford will focus on improving its financial performance, innovation and skills in partnership development and advocacy to resource and guide the achievement of this strategic plan.	<p>Outcomes:</p> <ul style="list-style-type: none"> 5.1 Highly performing organisation 5.2 Delivering value for money services 5.3 Effective government and private sector partnerships.



CITY OF PLAYFORD

COUNCIL DEVELOPMENT ASSESSMENT PANEL

TERMS OF REFERENCE

Endorsed by CDAP 17 June 2013

1. Role

The Council Development Assessment Panel (CDAP) is established pursuant to Section 56A of the Development Act.

The legislative functions of the CDAP are:

- To act as a delegate of the council in accordance with the requirements of the Development Act 1993; and
- As it thinks fit, to provide advice and reports to the council on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under the Development Act 1993; and
- To perform other functions (other than functions involving the formulation of policy) assigned to the panel by Council.

In addition to the panel's legislative functions, the panel's role is to:

- Provide a consultative approach to development assessment while confining consideration of the application to the objectives and principles within the Playford (City) Development Plan.

2. Delegations

The Council Development Assessment Panel may:

- Approve the minutes as a true and accurate record of proceedings
- Appoint a deputy presiding member (the presiding member will be appointed by the Council)
- Establish the agenda format
- Establish the meeting regulations
- Determine if an item should be considered in confidence
- Approve its annual report

Exercise all powers and functions vested in or conferred on Council under Part 4 of the Development Act to assess development applications and grant or refuse consent in respect of each of the following matters:

- Category 2 applications where representations objecting to the development have been received. (Section 38 (10)(a) Category 2 applications)

- Category 3 applications where representations objecting to the development have been received. (Section 38 (10)(b), Category 3 applications).
- Development of a non-complying nature as defined under the Development Act 1993 and the Playford (City) Development Plan. (Section 39 (4)(d) applications) (Section 17(3)(a) Development Regulations 2008)
- Development that is of a major or significant nature and may cause considerable community interest as determined by the Chief Executive Officer.
- A development that is of a kind described as a non-complying development under the Development Plan and requires the Minister and the Council to concur in the granting of that consent (Section 35 (3)(a))
- Land divisions with 200 or more allotments
- Sub-Delegate to the Chief Executive Officer or delegate to make a minor additional changes to conditions on that development authorisation as required by the Council Development Assessment Panel to authorise approval of that application as a determination of the Council Development Assessment Panel
- Sub-Delegate to the Chief Executive Officer or delegate to approve an application once those minor additional conditions agreed to by the Council Development Assessment Panel are agreed to by the applicant without bringing the application back to the Council Development Assessment Panel.

3. Review of Panel Decisions

Council Development Assessment Panel decisions are final and shall not be referred to Council for further consideration.

An applicant or third party who is dissatisfied with the Council Development Assessment Panel's decision may appeal to the judicial system of the State.

4. Meetings

The Panel will usually meet on the third Monday of each month at 6.00 pm in the Council Chambers, Playford Civic Centre, 10 Playford Boulevard, Elizabeth or as determined by the CDAP.

Additional meetings due to business demands must be called by the Presiding Member in consultation with the CDAP Executive Officer.

5. Quorums

A quorum at a meeting of the CDAP is four (4) members of the Panel.

If a quorum will not be present due to the number of apologies received prior to the scheduled meeting, the Presiding Member in consultation with the CDAP Executive Officer may determine that the meeting will be adjourned to another time and date.

If at the expiration of thirty (30) minutes, from the time specified in the notice of meeting, a quorum is not present, the Presiding Member will adjourn the meeting to another time and date. The adjournment will be recorded in the Panel Minutes for that meeting including those members present and those who provided an apology.

Adjourned business will be the first business listed on the agenda papers followed by any new business.

6. Membership

Under the Development Act, Panel membership is determined by Council resolution and consists of four (4) independent members, one of them being the Presiding Member of the CDAP and three (3) Council elected members.

The term of office for the new CDAP members will be for a period, not exceeding two (2) years. At the expiration of a term of appointment, a member is eligible for reappointment.

Within fourteen (14) days of any change to the Panel membership, a notice of the appointment of members shall be placed in the local newspaper.

Matters regarding the conduct of a panel member shall be resolved by the Public Officer following the processes set out in CDAP Code of Conduct (as per the requirements of the Development Act 1993).

7. Term and Role of the Presiding Member / Deputy Presiding Member

7.1 Presiding Member

The Presiding Member will be appointed by Council.

The Presiding Member will:

- Chair the meetings.
- Foster a culture at meetings that encourages participation by all Panel members.
- Liaise with Council on issues raised by CDAP and to report back to CDAP
- Where a matter has been debated significantly and no new information is being discussed call for the debate to be finalised and a recommendation be put forward.
- Where required, assist with developing a recommendation for each matter based on the discussion from the Panel membership and with guidance from Council's planning staff.

The Presiding Member is a participatory member of the Panel and is encouraged to participate in the debate and discussion of each item.

7.2 Deputy Presiding Member

The Panel will elect its Deputy Presiding Member at its first meeting following the establishment of a new panel by the Council. The Deputy Presiding Member will remain in that position until the end of the panel's term or until the next general election, whichever is sooner. In the event that the general election is sooner, a new Deputy Presiding Member will be elected at the first meeting of the new members.

The Deputy Presiding Member may be a Council Elected Member or an Independent Member. The process to elect the Deputy Presiding Member is outlined in the Code of Practice for Council, Special Council and Committee Meetings.

In the absence of the Presiding Member, the Deputy Presiding Member will chair the meeting. If both are absent the meeting will appoint a temporary chair from members present.

8. Role of the Administration

Council staff may provide advice and further clarification of issues during the meeting upon request of a Panel Member through the Presiding Member.

Council staff, (unless appointed as members of the CDAP) are not members of the Panel and do not have voting rights. Their role is to provide professional and impartial information and advice to assist Panel members to make decisions based on the objectives and principles of the Playford (City) Development Plan.

The Presiding Member will be the official media spokesperson for CDAP or as determined by CDAP.

9. Reporting and Review of the Panel

The Panel shall review its performance annually in line with Council's financial calendar year with the Annual Report presented to the July Panel meeting or the next meeting thereafter.

The Annual Report may include:

- number of meetings held
- length of meetings
- attendance by members
- CDAP issues raised for consideration by Council
- number of confidential items considered
- appeals made to the Environment, Resources and Development Court.

The Annual Report will be forwarded to Councillors, CDAP members and the Minister for Planning for information.

10. Panel Procedures

10.1 Code of Conduct

The members on the Council Development Assessment Panel are bound by the Code of Conduct established under Section 21A Development Act 1993 and adopted by the Minister for Planning.

10.2 Hearing of Representations

Representors and applicants may address the CDAP on an application before the Panel as per the requirements of the Development Act and Regulations 1993.

A written representation shall be received by the City of Playford in accordance with Section 35 of the Development Regulations in which the representor shall state that he or she wishes to be heard by the Panel. The representor will be advised of the Panel meeting time and will be listed in the agenda papers.

The Presiding Member may ask a representor or applicant to summarise his or her main points and conclude their representation if:

- he or she has spoken for more than five (5) minutes, or
- he or she is re-visiting information that has already been presented during the meeting or in his or her written statement, or
- he or she is raising issues which are not relevant to planning approval processes.

No new information can be presented by the representor or applicant, subject to the discretion of the Presiding Member.

Representors (or their representative) shall speak first followed by the applicant (or their representative). Representors do not have a right of reply following the applicant's presentation.

The debate and resolution of a matter will still proceed even if a representor or applicant is not present at the scheduled meeting.

10.3 Natural Justice

In order to foster the respect of applicants, representors and the community, panel members should adhere to the principles of natural justice. Accordingly, panel members may not approach or discuss with an applicant or representor any application which is either before the panel or will come before the panel at some future time, except during the course of a panel meeting where the application forms part of the agenda and the applicant or representor has a right to be heard by the panel.

Failure to abide by 11.3 is considered a breach of the Code of Conduct established under Section 21A Development Act 1993.

10.4 Meeting Processes

The following processes shall be followed for each agenda item:

Panel members to declare any conflict of interest and leave the meeting room if he or she has a conflict.

- 10.4.1 The Staff representative(s) to speak to the report and identify the key issues raised by the application.
- 10.4.2 Representors present and accepted by listing on the Panel agenda to speak, Panel members to question representor(s) through the Presiding Member, as required.
- 10.4.3 Applicant(s) present and listed on the Panel agenda to respond to the comments made by the representor(s). Panel members may ask questions to the applicant through the Presiding member.
- 10.4.4 Staff representative(s) to provide an overview of issues raised making reference to the objectives and principles within the Development Plan.
- 10.4.5 Panel members to discuss the application leading to the development of a recommendation with conditions if required.
- 10.4.6 Presiding Member to ask if there is any further information required prior to the members determining the matter.
- 10.4.7 Presiding Member to put the recommendation to a consensus vote. If the members as a whole agree to the recommendation then this is considered a decision on the matter. If the Presiding Member cannot clearly identify the outcome then a formal vote is taken.

10.5 Voting Procedures

If a consensus resolution cannot be determined by the Presiding Member, then a majority vote will be taken with the Presiding Member asking for members voting in favour of the recommendation and then for members voting against the recommendation.

Each member of the CDAP present at the meeting is entitled to one (1) vote on any matter arising for decision and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.

Members cannot abstain from voting. Members shall raise their hand indicating their voting preference to assist the Presiding Member to determine the outcome.

10.6 Agenda Papers

An agenda for each Panel meeting will be delivered to Panel members on the Thursday prior to the meeting.

Confidential agenda items will only be circulated to members of the Council Development Assessment Panel, members of the City of Playford Executive Team, staff representing the planning interests of the City of Playford, the Minute Secretary of the Panel and included in the official minute book.

Agenda papers will be included on the City of Playford web site and put on public display at the Customer Service Centre and Libraries with the exclusion of confidential items.

10.7 Minutes

Minutes of Panel meetings (in accordance with legislative requirements) will be kept and delivered to Panel members by no later than the Thursday following the meeting on the Monday. The Minutes will also be put on public display at Council's Customer Service Centres and Libraries. Confidential minutes will only be distributed to the people who receive confidential agenda items.

The minutes will be a true and accurate record of the decisions made. The members' present and any apologies will be recorded along with the time that members leave and return to the meeting room. The names of representors and applicants who spoke at the meeting will be recorded without reference to the content of their presentation.

Only the final decision will be recorded in the minutes, no reference will be made as to who voted for or against the recommendation or any discussion which occurred on the application.

The minutes will record disclosure of interest made by a member, details of any adjournment of business and reasons why the meeting considered an issue in confidence.

At the next Council Development Assessment Panel meeting, the previous meeting's minutes will be confirmed to formally certify that they are an accurate record of what transpired at the meeting. This does not afford the opportunity to amend decisions. Decisions can only be amended or rescinded if the matter is brought back to the Panel as a further agenda report due to an appeal made to the Environment, Resources and Development Court.

Once the Panel members have resolved the minutes to be an accurate record of the proceedings of the meeting, the Presiding Member will confirm the Panel Minutes by initialling each page and signing and dating the last page.

10.8 Public Access to Meetings

Council Development Assessment Panel meetings shall be held as open forums with the public able to attend and listen to the debate and decision making processes.

At times, the Council Development Assessment Panel may consider information of a confidential or sensitive nature. Section 56A (12) of the Development Act 1993 identifies the cases when the Council Development Assessment Panel may exclude the public from attendance at a meeting and the Panel.

Attendees for confidential items will be those only who have received official confidential agenda documents to a particular item and will be allowed to remain in the room during decision discussion, or as identified by CDAP.

If the panel members resolve to exclude the public from a Council Development Assessment Panel Meeting, a resolution shall be moved stating the reason for the exclusion of the public and the timeframe in which the Panel shall consider the release of the agenda, attachments or minutes relating to the matter.

10.9 Conflict of Interest

The responsibilities of members of the Panel regarding conflict of interest are contained within the Development Act 1993 and the Minister's Code of Conduct. Panel members shall declare any conflict of interest or perceived conflict of interest prior to the discussion of the item. If a Panel member has a conflict of interest he or she shall leave the meeting room and not take part in any of the deliberations or decisions of the Panel on the matter.

10.10 Site Visits

Except where required as part of the assessment of a particular decision such as a formal panel viewing of a development site, Panel Members should not enter a development site, even if invited by the land owner or a neighbouring property owner or any other person.

10.11 Review of the Operating Procedures

The Council Development Assessment Panel Charter will be reviewed after expiration of the two (2) year term of the panel members or as required by the CDAP.

City of Playford
Council Development Assessment Panel Meeting

AGENDA

MONDAY, 2 FEBRUARY 2015 AT 7:00PM

1 ATTENDANCE RECORD

- 1.1 Present
- 1.2 Apologies
- 1.3 Not Present

2 CONFIRMATION OF MINUTES

RECOMMENDATION

The Minutes of the Council Development Assessment Panel Meeting held 15 December 2014 be confirmed as a true and accurate record of proceedings.

3 DECLARATIONS OF INTEREST

4 REPORTS

Matters to be considered by the Panel Only

- 4.1 Alterations and additions to the existing dwelling, demolition of an outbuilding, construction of an outbuilding, construction of two rainwater tanks and ancillary earthworks and landscaping. (Attachments)14

Representors: None
Applicant: Nicole Lousie Ryan

- 4.2 Division of Land (1 allotment into 2 allotments) - Non-Complying development (Attachments)57

Representors: Nil
Applicant: Quan Am Temple Incorporated

5 OTHER BUSINESS

5.1 STAFF REPORTS

Nil

5.2 DISCUSSION FORUM

Nil

6 MOTIONS

7 CONFIDENTIAL MATTERS

Nil

8 CLOSURE

REPORTS

**MATTERS TO BE CONSIDERED
BY THE PANEL ONLY**

4.1 ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING, DEMOLITION OF AN OUTBUILDING, CONSTRUCTION OF AN OUTBUILDING, CONSTRUCTION OF TWO RAINWATER TANKS AND ANCILLARY EARTHWORKS AND LANDSCAPING.

1. Snapshot

Author:	Jordan Leverington
Proposal:	Alterations and additions to the existing dwelling, demolition of an outbuilding, construction of an outbuilding, construction of two rainwater tanks and ancillary earthworks and landscaping.
Development Number:	292/1206/2014
Date of Lodgement:	29 August 2014
Owner:	Nicole Louise Ryan
Applicant:	Nicole Louise Ryan
Location:	258 Alexander Avenue, Bibaringa
Zone:	Hills Face
Classification:	<i>Non-Complying</i> (resolution to proceed to full assessment made by CDAP on 20 October 2014)
Public Notification Category:	Category 3
Representation Received:	Nil
Development Plan:	Consolidated 20 March 2014
Request for Additional Information Made?	Yes
Recommendation:	To grant Development Plan Consent subject to conditions and the concurrence of the DAC.
Attachments:	<ol style="list-style-type: none">1. Development Application Form2. Certificate of Title3. Site Plans4. Elevations5. Zone Map Play/66. Bushfire Map BPA Play/17. Floor Plans8. Statement of Effect9. Site Inspection Photographs

2. The Subject Land

The land is irregular in shape and is located on the southern side of Alexander Avenue in the suburb of Bibaringa and features a frontage of 206.3m and a depth of 232.6m. The overall area of the land is approximately 4.5Ha.

There is currently a double storey detached dwelling on the land, presenting a relatively conventional design. The dwelling is setback approximately 45m from the front road boundary and approximately 85m from the closest side boundary.

The allotment slopes significantly to the rear of the property. Notwithstanding, and by virtue of the topography, the roofline of the existing dwelling is only marginally higher than street level. The site of the proposed single storey addition is located upslope from the existing dwelling on a relatively flat area.

The front of the allotment is informally landscaped with trees and shrubs of varying species, maturity and size.

Dense shrubbery around the existing dwelling forms an effective visual screen from the public realm and adjoining properties. The vegetation consists mainly of semi-mature eucalypts and some smaller introduced species.

A sewerage easement is located at the south west corner of the allotment and the proposed development will not encroach upon the easement.

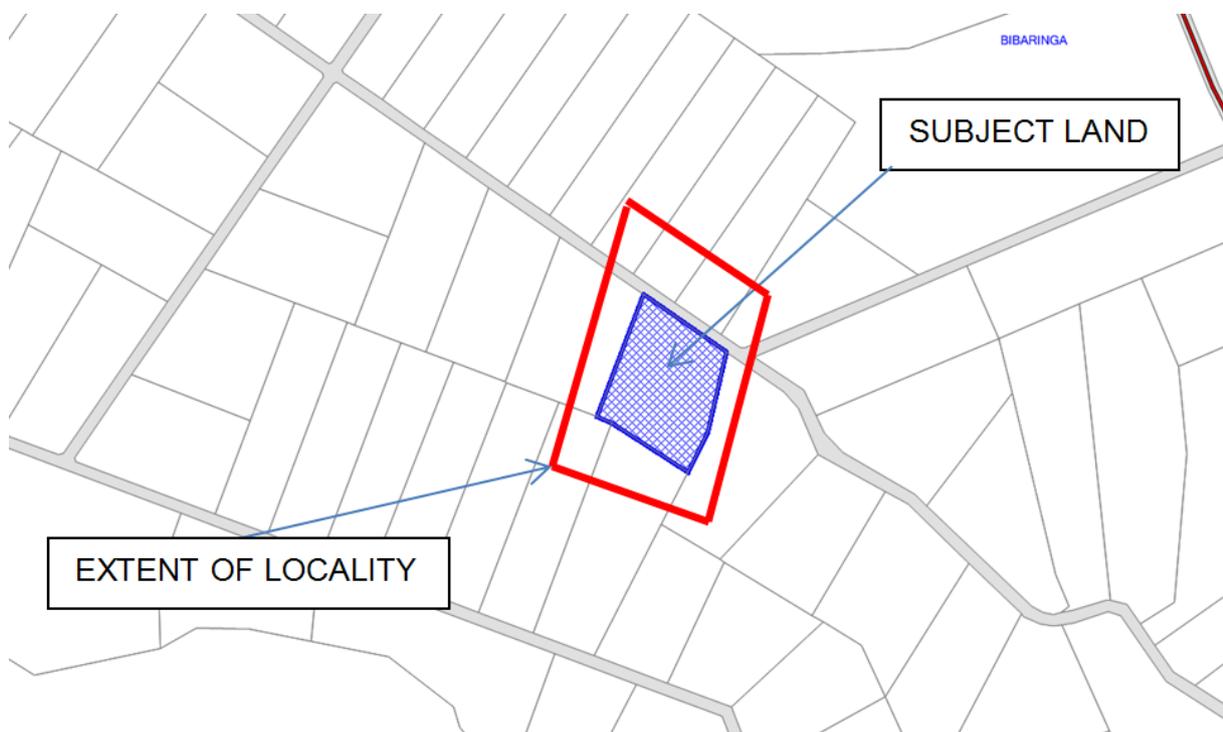
There will be no effect on Regulated Trees situated on or about the land by virtue of the proposed development.

3. The Locality

Based on a consideration of the visibility of the proposed development, the extent of the locality is considered to include:

- The subject allotment;
- The area directly in front of the subject land;
- The front yards (including the front rooms) of the residential sites to the north at 263, 273 & 279 Alexander Road, Bibaringa; and
- The nearest portions of the adjoining lots on either side of the subject site.

3.1 Locality Plan



The locality features very low density residential development and primary production activities. Typically buildings are grouped together and have generous setbacks from public roads maintaining a natural and open visual amenity.

Existing groves of mature vegetation provide for a prevailing character that is rural and open. The subject land is consistent with character of the area, with a significant amount of vegetation having been planted around the existing dwelling.

Typically for a rural locality, most properties have been developed with ancillary structures such as domestic outbuildings, water tanks and implement sheds.

In most cases, these kinds of structures have been sited in close proximity to and clustered around existing dwellings.

Overall, it is considered that the prevailing character of the locality provides a high level of amenity for its residents.

3.2 Zoning

The subject land is depicted on Zone Map Play/6 in the Mapping Section of the Development Plan.

By virtue of its location, the land is entirely within:

- The Hills Face Zone; and,
- Is covered by the Bushfire Overlay BPA Map Play/1.

4. The Proposal

According to Regulation 16 of the Development Regulations (2008), if an application will require a relevant authority to assess a proposed development against the provisions of a Development Plan, the relevant authority must determine the nature of the development, and proceed to deal with the application according to that determination.

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

“Alterations and additions to the existing dwelling, demolition of an outbuilding, construction of an outbuilding, construction of two rainwater tanks and ancillary earthworks and landscaping”.

The habitable component of the single storey dwelling addition will have a floor area of 194.8m², a maximum eave height of 4.9m above natural ground level, a total maximum height of 5.12m above natural ground level, and will be set back from Alexander Avenue by 39m. There will be a verandah/deck on the western side of the addition, which will be at the same floor level as the addition.

Despite being sited higher on the hill, the maximum ridge height of the addition will only be 500mm above the ridge height of the existing dwelling. The addition will have a rendered finish in a “Paperbark” colour with Colorbond ‘Woodland Grey’ roofing. The storm water from the existing dwelling and proposed addition will be directed to a 40,000L rainwater tank which is located immediately east of the dwelling.

The Statement of Effect (SOE) (see **Attachment 8**) establishes that the existing two storey dwelling is no longer suitable for the applicant, and confirms that the addition will not be used as a separate dwelling.

On the opposite side of the existing dwelling it is also proposed to construct a single carport.

The dimensions of the proposed outbuilding are 12m long, 6m wide with a 3m wall height, and will be located between the existing dwelling and Alexander Avenue; in close proximity of the demolished outbuilding (with a street setback of 25m). Landscaping is also proposed between the dwelling and the existing shed to provide additional screening. The outbuilding is proposed to be clad in 'Cottage Green' Colorbond. Stormwater from this structure will be directed to a 22,500L rainwater tank, which is available for firefighting purposes at all times.

Vehicle access to both the dwelling addition and outbuilding is provided via an existing crossover and driveway.

5. Procedural Matters

5.1 Classification

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

The procedural section of the Hills Face Zone in the Development Plan specifies a list of development that is *Non-Complying* unless it falls within a list of exemptions.

As the vertical distance between the existing ground level and the top of the external wall of the dwelling addition exceeds 5m at the gable end, the proposal does not meet the exemption criteria and hence must be classified as a *Non-Complying* form of development.

5.2 Public Notification

Section 38(2)(a) of the Development Act (1993) states that a Development Plan or the Development Regulations (2008) may assign different forms of development to a Category for the purposes of public notification.

Further, the Development Act (1993) also states that the Regulations or a Development Plan may assign a form of development to Category 1 or to Category 2 and if a particular form of development is assigned to a Category by both the Regulations and a Development Plan:

- If the Regulations provide that an assignment by a Development Plan may prevail, the assignment provided by the Development Plan will, to the extent of any inconsistency, prevail; but
- In any other case, the assignment provided by the regulations will, to the extent of any inconsistency, prevail.

Given that the proposal is *Non-Complying*, the Development Plan does not assign the application to a Category for the purpose of public notification. As such, one must default to the Regulations to assign a Category.

Given that the proposal is *Non-Complying* and given that the proposal is not of a minor nature, neither Parts 1 nor 2 of the Regulations assign the proposal to a Category. The proposal has therefore been notified and advertised to the owners and occupiers of adjacent land and the public in general as a Category 3 form of development.

Nine (9) adjacent properties were notified of the development and an advertisement was placed in the Advertiser newspaper. No representations were received.

6. Key Issues

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

- Whether the additional building work will compromise the attainment of the Desired Character of the Zone;
- Whether the siting, location, design and appearance of the dwelling, outbuilding and water tanks will have a detrimental impact on the existing and Desired Character and amenity of the locality; and
- Whether the siting and location of the additional landscaping will cause an unacceptable risk in a high risk bushfire area.

7. Planning Assessment

7.1 Contribution to the Desired Character

In order to determine whether the scale of the proposal is appropriate, it is first necessary to understand the Desired Character for the Zone.

The Zone has a distinctive character derived from residential development at very low densities, undulating topography and an open and natural landscape.

According to the Development Plan, development in the area should not only preserve but should also enhance the natural character of the Zone or assist in the re-establishment of a natural character. It is stressed in the Desired Character statement that the Hills Face Zone is not a residential zone. However, it is accepted that residential development is appropriate if it is of a low-scale and unobtrusive.

Further, development in the area should not be undertaken if it is likely to create a demand for services not already found in the area. While the proposal includes additional building work, it is not proposed to intensify the nature of the existing land use, by, say, constructing a second dwelling that will be used in isolation of the existing dwelling.

The Development Plan contains several Principles of Development Control (PsDC) which promote the achievement of the Desired Character for the area. It is considered that the development responds appropriately to those PsDC and will preserve the existing low intensity character, as the development comprises a single detached dwelling (including outbuildings and structures normally associated with such dwellings), on a single allotment which is generally consistent with neighboring properties.

Accordingly, the proposal is considered to satisfy Hills Face Zone PDC 1, and hence does not undermine the Desired Character of the Zone.

7.2 Visual Impact

The Development Plan envisages that development within the Hills Face Zone will employ innovative site design techniques which utilise locally indigenous trees, shrubs and ground covers and existing remnant vegetation to provide screening and maintain the natural rural character of the Zone. The proposal includes a considerable amount of new plantings along the front property boundary and additional landscaping between the existing shed and the proposed addition thus satisfying the intent of the Development Plan.

Specifically, the proposed addition will be located such that it will be largely screened from the road by the existing vegetation located within the front yard of the property, and hence the proposal is considered to satisfy PsDC 1, 2 and 3 in the Landscaping, Fences and Walls section in the General Section of the Development Plan.

In respect of the proposed carport, it is considered that given the structure will be open and set back a considerable distance from the public realm and neighbouring properties, it will have a negligible impact on the character of the locality. Further, the carport will present as part of the dwelling and will not be a dominant visual element with the locality.

The outbuilding will be set back 25m from Alexander Avenue, and is proposed to be located in front of the dwelling addition. Therefore the structure will not have a detrimental impact on the locality because of the existing and proposed vegetative screening and the use of 'Cottage Green' colour.

The Development Plan contains several PsDC which seek to protect the natural character of the Zone and ensure that buildings, including structures, are located in unobtrusive locations. The proposed development will not be visible against the skyline when viewed from a public road and will be located in such a way as to maximise the retention of existing native vegetation on the site. On balance, it is therefore considered that the proposal satisfies Hills Face Zone PDC 13 (a), (b), (e).

Further, PDC 14 of the Hills Face Zone states that:

"Buildings, including structures should be unobtrusive and not detract from the desired natural character of the zone and, in particular:

- (a) buildings should be of a single storey*
- (b) the mass of buildings should be minimized by having separate vehicle storage areas."*

The proposed development satisfies this Principle in that it is in a location which;

- Is not visible against the skyline or from the Adelaide Plains;
- The site of the outbuilding is to be cut rather than filled;
- It is screened by existing and proposed native vegetation;
- It is setback 25m from the front boundary;
- It is single storey; and
- It has vehicle storage area which is separate from the dwelling.

In summary, the impact on the visual character of the locality will be further ameliorated by the addition of screening vegetation. Further, the proposed structures (dwelling addition and outbuilding) will not impose or detract from the existing or Desired Character of the Zone and hence the proposal is considered to satisfy the relevant provisions of the Development Plan.

7.3 Bushfire Safety Considerations

Schedule 8 of the Development Regulations (2008) requires a mandatory referral of an application to the Country Fire Service (CFS) if it is located within a high bushfire risk area. This application was referred to the CFS on 23 October 2014.

The CFS supported the application subject to a number of standard conditions relating to access, water supply and vegetation. These have been added to the Staff Recommendation.

The Development Plan contains several PsDC which seek to minimise risks to safety and property whilst maintaining the natural environment. Specifically, PDC 16 of the Hazards Section in the General Section of the Development Plan states that:

“Extensions to existing buildings, outbuildings and other ancillary structures should be sited and constructed using materials to minimise the threat of fire spread to residential, tourist accommodation and other habitable buildings in the event of bushfire”.

The proposal includes design features which minimise the threat from bushfire (such as the enclosure of the area under the dwelling addition), in a broad sense, the landscaping design will prevent the accumulation of fuel and prevent the trapping of burning debris.

The property has an existing all weather surfaced driveway (which is a minimum of 3m wide and has a maximum gradient of 16 degrees) and has been designed to allow a fire fighting vehicle to travel in a continuous forward direction in accordance with the Code for undertaking development in Bushfire Protection Areas and Principle 13 of the Hazards Section in the General Section of the Development Plan.

As part of this application, a new 22,500L tank will be located next to the proposed outbuilding, which is reserved purely for firefighting purposes.

In consideration of the above together with the recommendations from the CFS, it is considered that this development will not cause an unreasonable risk to people or property and satisfies the Objectives in the Hazards Section of the General Section in the Development Plan.

8. Conclusion

The Development Plan generally discourages *Non-Complying* development. However, given the proposed setbacks and scale of the addition, new outbuilding, water tanks and additional landscaping, the proposal is considered to be an acceptable form of development that will not adversely impact on the existing amenity and character of the locality.

It is also considered that the existing and proposed landscaping will screen and mitigate any visual impacts that are not currently obvious given the absence of the buildings on site. This landscaping will ensure that the subject land is in keeping with the natural character of the locality notwithstanding the construction of the additional structures.

Despite the *Non-Complying* nature of the development, the applicant has proposed a development that, on balance, satisfies the Objectives and Principles of Development Control within the City of Playford Development Plan, and is considered to have sufficient merit to warrant Development Plan Consent.

9. Recommendation

STAFF RECOMMENDATION

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

- A. DETERMINES that the proposed development is not seriously at variance with the policies in the City of Playford Development Plan; and,
- B. GRANTS Development Plan Consent to the application by Nicole Lousie Ryan to undertake alterations and additions to the existing dwelling, demolish an outbuilding, construct an outbuilding, construct two rainwater tanks and undertake ancillary earthworks and landscaping at 258 Alexander Avenue, Bibaringa, as detailed in Development Application No. 292/1206/14 subject to the concurrence of the Development Assessment Commission, and subject to the following conditions:
 1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 292/1206/14 except where varied by any conditions listed below:
 2. All works detailed in the approved plans and required by any condition of approval must be completed prior to the occupation of the development.

Reason: To ensure that all works and conditions are completed in a timely manner.
 3. No additional access points shall be established without the prior written consent of Council.

Reason: To ensure safe entry and egress to public roads.
 4. All external materials, colours and finishes must be non-reflective, dark and natural so as to blend with the landscape.

Reason: To maintain and enhance the visual amenity of the locality in which the subject land is situated.
 5. The planting and landscaping identified on the plans submitted with the application must be completed in the first planting season concurrent with or following commencement of the use of the dwelling addition. Such planting and landscaping must not be removed, nor the branches of any tree lopped, and any plants which become diseased or die must be replaced with a suitable species to the reasonable satisfaction of Council.

Reason: To maintain the amenity of the site and locality.
 6. Access to dwelling
 - 6.1 Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles.
 - 6.2 The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either-
 - o A loop road around the building, OR

- A turning area with a minimum radius of 12.5 metres, OR
- A 'T' or 'Y' shaped turning area with a minimum formed length of 11m and a minimum internal radii of 9.5m.

6.3 Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres width and a vertical height clearance of 4 metres.

Reason: The Code Part 2.3.3.1 describes the mandatory provision for 'Private' roads and driveways to buildings, where the furthest point to the building from the nearest public road is more than 30 metres, shall provide safe and convenient access/egress for large Bushfire fighting vehicles.

7. Access (to dedicated water supply)

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

7.2 The driveway shall be constructed to be capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes, AND

7.3 Provision shall be made adjacent to the water supply for a hardstand area (capable of supporting fire-fighting vehicle with a gross mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet. (NOTE: the water outlet may be remotely located from the tank to provide adequate access).

Reason: The Code Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for fire-fighting.

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

8. Water Supply

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

8.2 The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a fire service 64mm male London round thread adaptor which shall be accessible to bushfire fighting vehicles at all times.

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

8.4 The dedicated fire-fighting water supply shall be pressurised by a pump that has –

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

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

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

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

- 8.8 All non-metal water supply pipes for bushfire fighting purposes (other than flexible connection and hoses for firefighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- 8.9 A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hoses is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the dwelling).
- 8.10 All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- 8.11 All fire-fighting hoses shall be of reinforced construction manufacture in accordance with AS 2620 or AS 1221.
- 8.12 All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
- 8.13 All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- 8.14 All fire-fighting hoses shall be readily available at all times.

Reason: The Code Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made available at all time for fire-fighting.

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

9. Vegetation

- 9.1 A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the dwelling (or to the property boundaries – whichever comes first) as follows:
- 9.1.1 The number of understory plants established within the VMZ shall be maintained such that when considered overall a maximum coverage of 50% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 50%'.
- 9.1.2 Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
- 9.1.3 Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season
- 9.1.4 No understory vegetation shall be established within 1 metre of the dwelling. (understory is defined as plants and bushes up to 2 metres in height).
- 9.1.5 The VMZ shall be maintained to be free of accumulated dead vegetation.

Reason: The Code Part 2.3.5 mandates that landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property.



AP PP / D

Development No. 292 / 1206 / 2014

City of Playford, 12 Bishopstone Road Davoren Park SA 5114 Phone 8256 0333 Fax 8256 0374

PLEASE FILL OUT ALL SECTIONS

I wish to apply for:	Planning only <input checked="" type="checkbox"/>	Planning & Building <input type="checkbox"/>	Building Only <input type="checkbox"/>	Residential Code <input type="checkbox"/>
	Private Cert. <input checked="" type="checkbox"/>			

Applicant: RYAN Surname NICOLE LOUISE Given Names
 Postal Address: PO BOX 1527
GAWLER Postcode: 5118

Owner: SAME AS APPLICANT Surname Given Names
 Postal Address: _____
 Phone No: _____ Postcode: _____

Builder / Supervisor: TO BE ADVISED
 Postal Address: _____ Postcode: _____
 Builder Licence No: _____

RECEIVED 11 SEP 2014

Contact person for further information PLANWRIGHT BUILDING DESIGN & DRAFTING SERVICES
 Name: ANTHEA SMITH Telephone: 85247139 Mobile: 0400265496
 Fax: _____ Email: planwrightbddsa@bigpond.com

DESCRIPTION OF PROPOSED DEVELOPMENT ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AND STEEL FRAME FREE-STANDING GARAGE INTENDED USE RESIDENTIAL
 LOCATION OF PROPOSED DEVELOPMENT
 House / Lot No: 258 Street: ALEXANDER AVENUE
 Section: _____ Volume: 5575 Folio: 655 Suburb: BIBARINGA

✓ Paid AP. 2458424

DEVELOPMENT COST: \$ 160,000 Building Rules Classification sought _____
 Has the Construction Industry Training Fund Act 1993 Levy been paid? Yes No

SCANNED

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Act & Regulations, 1993
 TO ENABLE PROMPT PROCESSING OF YOUR APPLICATION, PLEASE COMPLETE THE FOLLOWING.

WORK TYPE	New <input type="checkbox"/>	Addition <input checked="" type="checkbox"/>	Alteration <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
WALLS	Brick Veneer <input type="checkbox"/>	Colorbond <input type="checkbox"/>	Fibro Cement <input type="checkbox"/>	T/FRAME, HEBEL Other <input checked="" type="checkbox"/> CLAD (please specify)
FRAME	Steel <input type="checkbox"/>	Timber <input checked="" type="checkbox"/>	Other (please specify) <input type="checkbox"/>	
ROOF	Metal <input checked="" type="checkbox"/>	Colorbond <input checked="" type="checkbox"/>	Tiles <input type="checkbox"/>	Other (please specify) <input type="checkbox"/>
FLOORS	Concrete <input type="checkbox"/>	Timber <input checked="" type="checkbox"/>		

AREA OF THE PROPOSED DEVELOPMENT IN SQUARE METRES 194.77 m²

OFFICE USE ONLY - FEES	
Lodgement	\$ 125
B R Assessment	\$ 58.50
D P Assessment	\$ 200
Cert of Occ	\$
Referrals	\$
Public Notification	\$ 661
Advertising	\$
Other	\$ 505
Total	\$ 1044.50
Initialled	RB

I, Nicole RYAN being the applicant for the development described herein, declare that the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of Section 86 of the *Electricity Act 1996*. I make this declaration under Clause 2A(1) of Schedule 5 of the *Development Regulations 1993*.

Note:
 A *Building Safety Near Powerlines* brochure has been prepared by the Technical Regulator to assist applicants and other interested persons. Hard copies of this brochure are available from councils and the Office of the Technical Regulator. The brochure and other relevant information can also be found at www.technicalregulator.sa.gov.au.

STREET INFRASTRUCTURE AND DRIVEWAYS/ENTRANCEWAYS

The City of Playford requires the following disclaimer to be signed and provided with all applications where driveway/entranceway access to the street is required.

I, NICOLE RYAN (owner / applicant) hereby declare that I have examined the site of the application and drafted site plans and drainage plans for my proposal and to the best of my understanding acknowledge the proposed entranceways, crossways and driveways are not less than one (1) metre from existing or proposed street infrastructure.
 In the event that a proposed entranceway, crossway and/or driveway is less than 1 metre from existing or proposed street infrastructure, I will amend any such proposal to comply with the one (1) metre clearance required from such street infrastructure.
 I understand that the City of Playford is not obligated to relocate any street infrastructure as a result of my development proposal, and is not liable to meet any costs associated with the relocation of any street infrastructure.

Street Infrastructure includes: Lamp Posts/Street Lights, Pedestrian/Pram Ramps, Electricity Service Posts, Road Signs, Side Entry Pits (Storm drain entrances), Street trees, Telephone or electricity maintenance boxes.

Signed: Nicole RYAN Date: 29/8/14

CREDIT CARD PAYMENT - CARD TYPE	Mastercard <input type="checkbox"/>	Visa <input type="checkbox"/>
Card number :	<input type="text"/>	<input type="text"/>
Expiry Date:	<input type="text"/>	<input type="text"/>
Cardholder's Name:	<input type="text"/>	Amount: <input type="text"/>
Signature:	<input type="text"/>	



Title Register Search

LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5575 FOLIO 655 *

COST : \$26.50 (GST exempt)	PARENT TITLE : CT 3862/197
REGION : EMAIL	AUTHORITY : CONVERTED TITLE
AGENT : RUDAP BOX NO : 000	DATE OF ISSUE : 15/09/1998
SEARCHED ON : 21/08/2014 AT : 13:47:52	EDITION : 2
CLIENT REF PCR:JMCL	

REGISTERED PROPRIETOR IN FEE SIMPLE

NICOLE LOUISE RYAN OF PO BOX 1527 GAWLER SA 5118

DESCRIPTION OF LAND

ALLOTMENT 15 DEPOSITED PLAN 9493
IN THE AREA NAMED BIBARINGA
HUNDRED OF MUNNO PARA

EASEMENTS

SUBJECT TO THE EASEMENT FOR SEWERAGE PURPOSES AS PROVIDED FOR BY SECTION 223 1g (1) OF THE REAL PROPERTY ACT 1886 OVER THE LAND MARKED A

SCHEDULE OF ENDORSEMENTS

12111608 MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

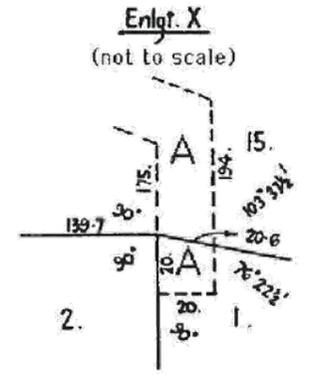
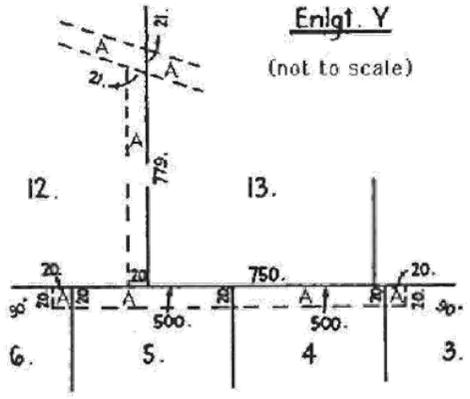
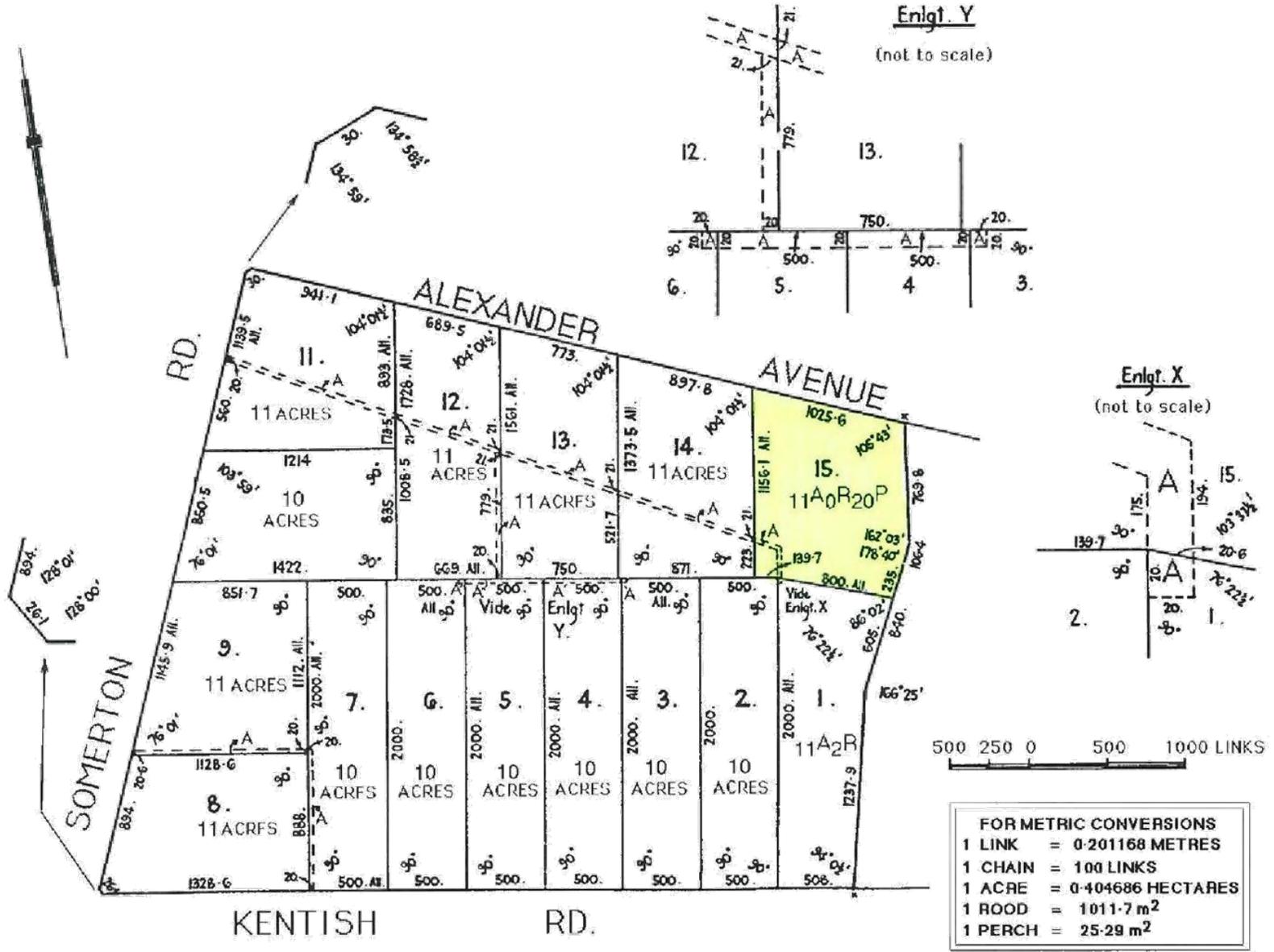
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REGISTRAR-GENERAL'S NOTES

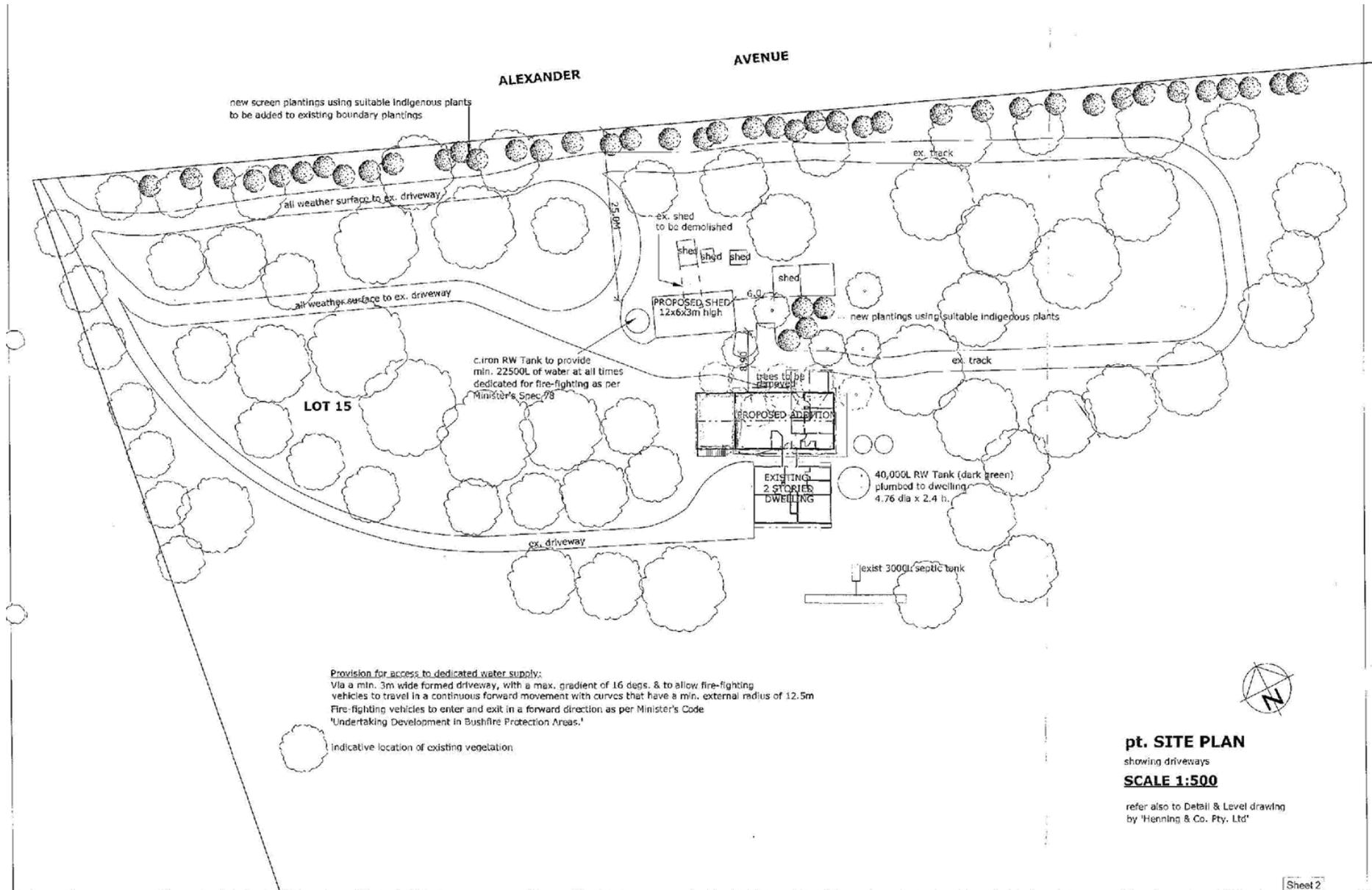
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END OF TEXT.

Page 2 of 2



LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA
 DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5575 FOLIO 655
 SEARCH DATE : 21/08/2014 TIME: 13:47:52



Sheet 2

Date	scale	Drawn	Dwg. No
25.8.14	as shown	Anthea Smith	RYAN22514

DIMENSIONS ARE IN MILLIMETRES UNLESS STATED OTHERWISE. FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED. VERIFY DIMENSIONS & LEVELS BEFORE COMMENCING ON SITE. ANY DISCREPANCY TO BE REPORTED TO THE DESIGNER IMMEDIATELY. DRAWING TO BE DRAWN WITH CLIENT CONSENT.

PLANWRIGHT
Building Design & Drafting Service
PO BOX 894 WILLIAMSTOWN SA 5351
Ph. 0824 7139 Mob. 0400 293 496 email - planwrightbdds@bigpond.com

Title **PROPOSED ADDITION & ALTERATIONS TO DWELLING AND STEEL FRAME FREE-STANDING GARAGE**

Revision:

Note: No site survey undertaken on this site. Building offsets to boundaries a guess. Only Owner & builder to determine exact boundary location. Plans may need slight adjust to cover the earth removed before construction.

Client **N. L. RYAN**
PO BOX 1527 GAWLER SA 5118

Site **258 ALEXANDER AVENUE**
RTFRATNGA CA 5114

Provision for access to dedicated water supply:
Via a min. 3m wide formed driveway, with a max. gradient of 16 degs. & to allow fire-fighting vehicles to travel in a continuous forward movement with curves that have a min. external radius of 12.5m.
Fire-fighting vehicles to enter and exit in a forward direction as per Minister's Code 'Undertaking Development in Bushfire Protection Areas.'

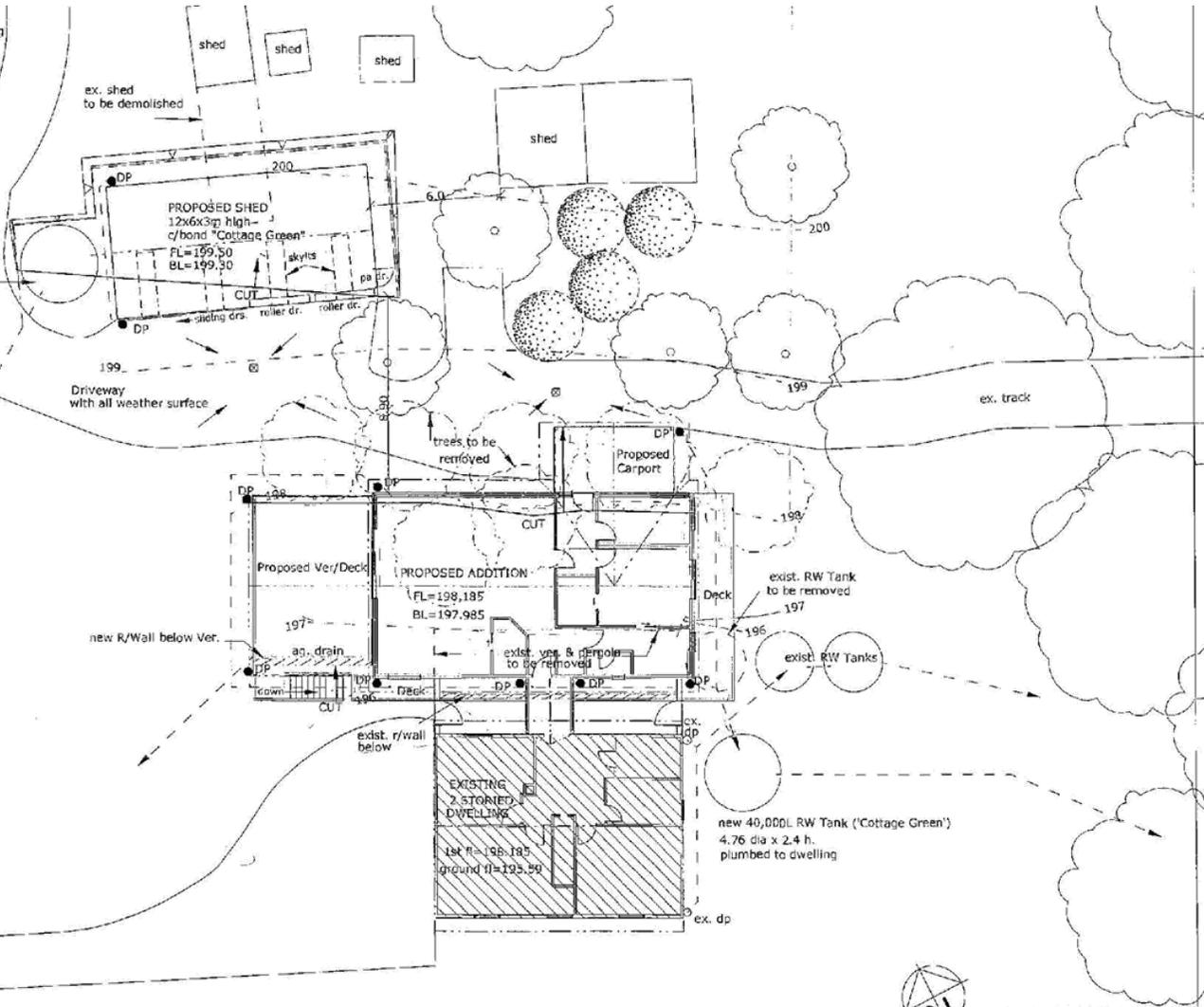
c.iron RW Tank to provide min. 22500L of water at all times dedicated for fire-fighting as per Minister's Spec 78

STORM WATER NOTES

Roof/Storm water to be directed to rain water tanks via 90mm upvc pipe. Overflows /balance to be directed min 6.0m away from buildings/bdays/septic tank & soakage
Scrape vegetation from the site.
Cut as required to provide a level platform to the bench levels as shown.
Embankment grades generally to be 1 in 2.
Refer to notes on footing construction report for specific cases.
Around the perimeter of the building slope ground away from footings.
1 in 16 unpaved areas
1 in 25 for paved areas
Refer to General Notes of Footing Construction report for sloping sites.
Provide adequate protection to stormwater pipes - 300mm min. cover under vehicular loading and 150mm cover otherwise.

LEGEND

- - - 90mm upvc pipe. Min. 1:200
- DP = 100x50mm(90mm diam) down pipes
- Note : grade water away from building and direct into sump/storm water run
- - - - ag. drain at base of retaining wall min. 1:00 fall
- - - spoon drain min. fall 1:100
- ▣ 300x300 grated sump
- 197 - - - contour levels



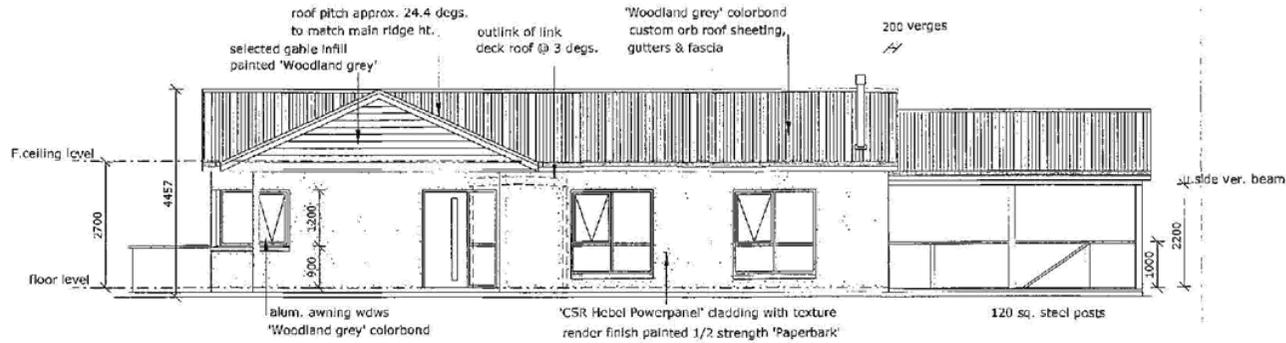
pt. SITE PLAN
SCALE 1:200

refer also to Detail & Level drawing by 'Henning & Co. Pty. Ltd'

Title PROPOSED ADDITION & ALTERATIONS TO DWELLING AND STEEL FRAME FREE-STANDING GARAGE				Client N. L. RYAN PO BOX 1527 GAWLER SA 5118	
Revision :				Site 258 ALEXANDER AVENUE BIBARINGA SA 5114	
Date	Scale	Drawn	Drawn	Dwg. No	
25.8.14	as shown	Anthoa Smith	RYAN22514		
DIMENSIONS ARE IN MILLIMETRES UNLESS STATED OTHERWISE. FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED. VERIFY DIMENSIONS & LEVELS BEFORE COMMENCING ON SITE. ANY DISCREPANCY TO BE REPORTED TO THE DESIGNER IMMEDIATELY. PLANS TO BE READ WITH CLIENT SPECS.					
PLANWRIGHT Building Design & Drafting Service PO BOX 804 WILLIAMSTOWN SA 5351 Ph. 8524 7199 Mob. 0400 285 486 email - planwrightbdia@bigpond.com					



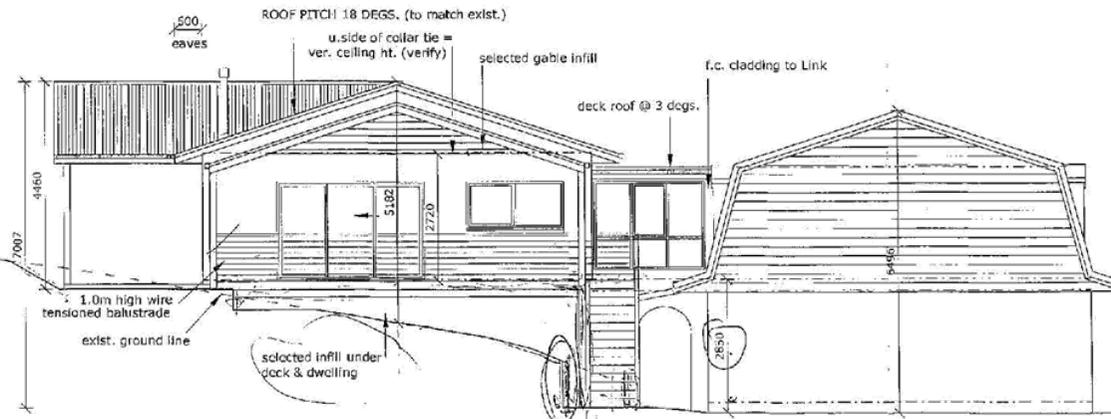
Re PROPOSED ADDITION & ALTERATIONS TO DWELLING
AND STEEL FRAME FREE-STANDING GARAGE
Client: N. L. RYAN
PO BOX 1527 GAWLER SA 5118
Re 258 ALEXANDER AVENUE
BYADOLINGA SA 5111



NE ELEVATION (FRONT)

MATERIALS & COLOURS:
 Roof - 'Woodland grey' colorbond custom orb roof sheeting
 Trim - 'Woodland grey' gable infills, gutters, fascias, bargees & posts
 Walls - 'CSR Hebel Powerpanel' cladding with textured render finish painted 1/2 strength 'Paperbark'
 windows - aluminium 'Woodland grey' powder coated frames

WINDOWS:
 COMPLY WITH AS1288 - GLASS IN BUILDINGS.
 & WITH AS2047 - WINDOWS IN BUILDINGS.



NW ELEVATION (REAR)

13930 ADDITION 8330 EXISTING

Sheet 6

Date: 25.8.14 scale: 1:100 Drawn: Anthea Smith Dep. No: RYAN22514

PLANWRIGHT
 Building Design & Drafting Service
 PO BOX 864 WILLIAMSTOWN SA 5351

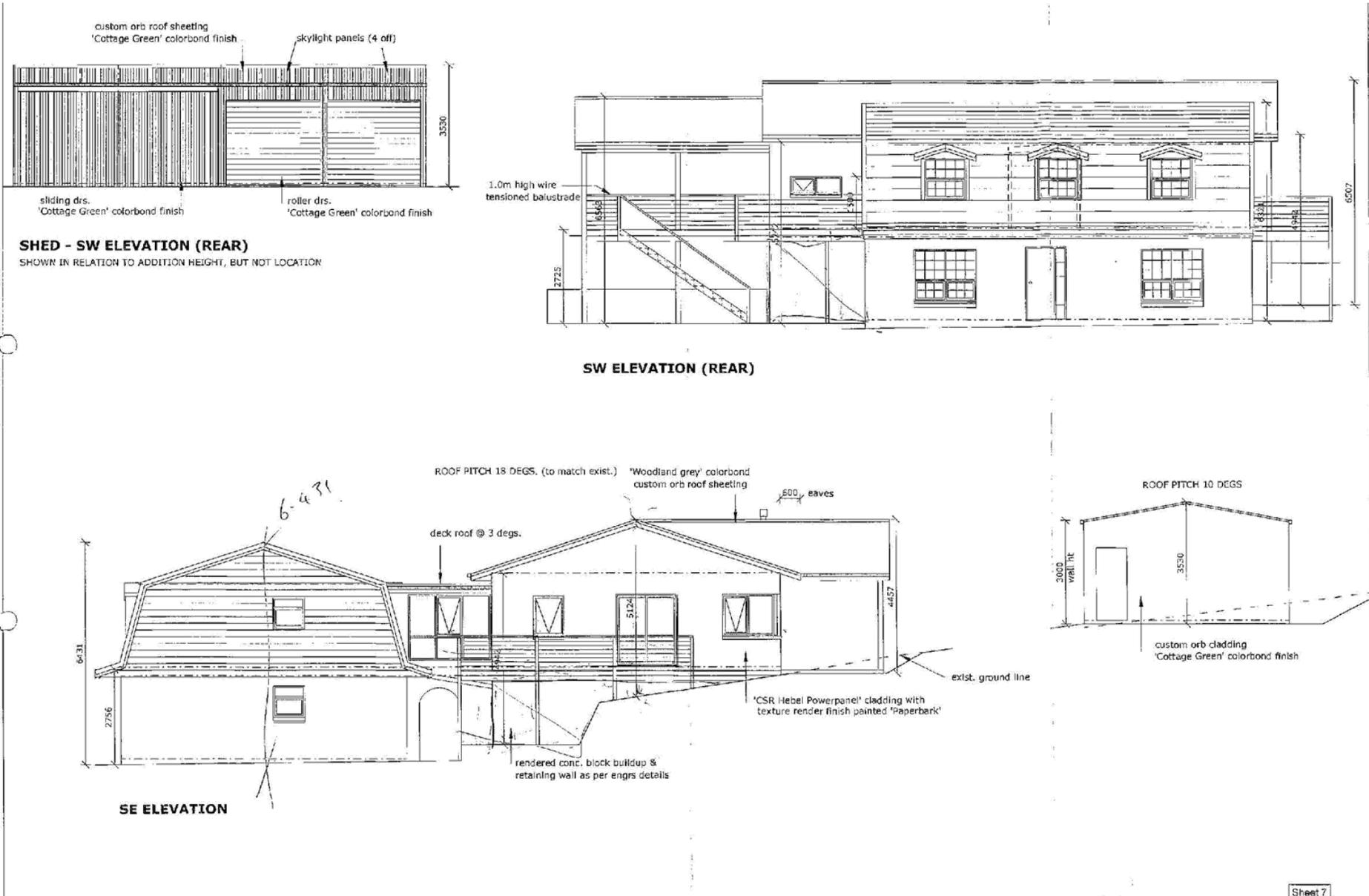
Title: PROPOSED ADDITION & ALTERATIONS TO DWELLING AND STEEL FRAME FREE-STANDING GARAGE

Client: N. L. RYAN
 PO BOX 1527 GAWLER SA 5118

Site: 258 ALEXANDER AVENUE

DIMENSIONS ARE IN MILLIMETRES UNLESS STATED OTHERWISE. FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED. VERIFY DIMENSIONS & LEVELS BEFORE COMMENCING ON SITE. ANY DISCREPANCY TO BE REPORTED

Note: No site survey undertaken on this site. Building offsets to boundaries



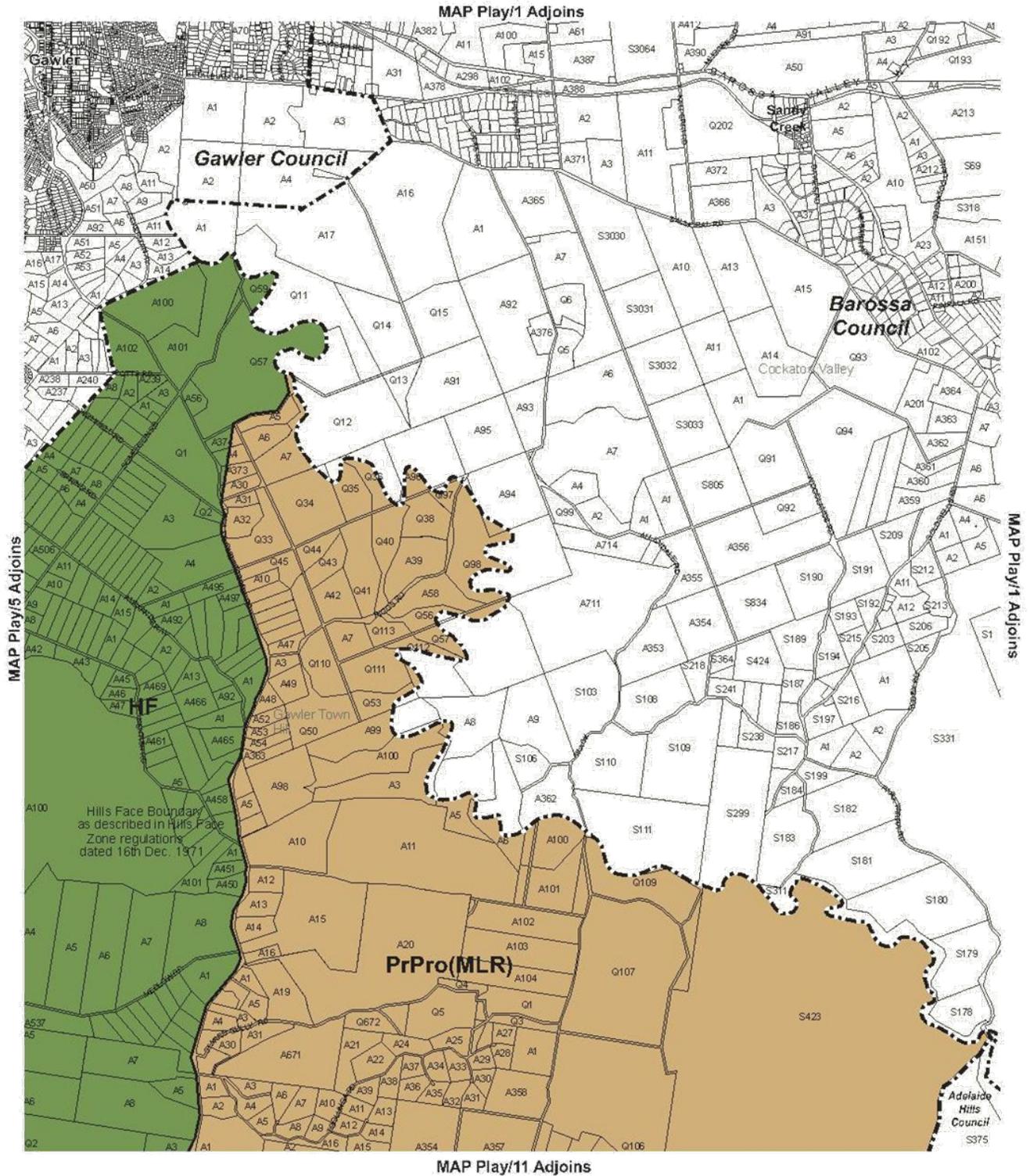
Sheet 7

Date 25.8.14	scale 1:100	Drawn Anthea Smith	Dep. No RYAN22514
<small>DIMENSIONS ARE IN MILLIMETRES UNLESS STATED OTHERWISE. FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED. VERIFY DIMENSIONS & LEVELS BEFORE COMMENCING ON SITE. ANY DISCREPANCY TO BE REPORTED</small>			

PLANWRIGHT
 Building Design & Drafting Service
 PO BOX 864 WILLIAMSTOWN SA 5351
 Ph. 8524 7139 Mob. 0460 265 498 email - planwrightbdr@bigpond.com

Title **PROPOSED ADDITION & ALTERATIONS TO DWELLING AND STEEL FRAME FREE-STANDING GARAGE**
 Revision:
Note: No site survey undertaken on this site. Building officials to boundaries approach only. Owner & builder to determine exact boundary location

Client **N. L. RYAN**
PO BOX 1527 GAWLER SA 5118
 Site **258 ALEXANDER AVENUE**
RTRADING SA 5114



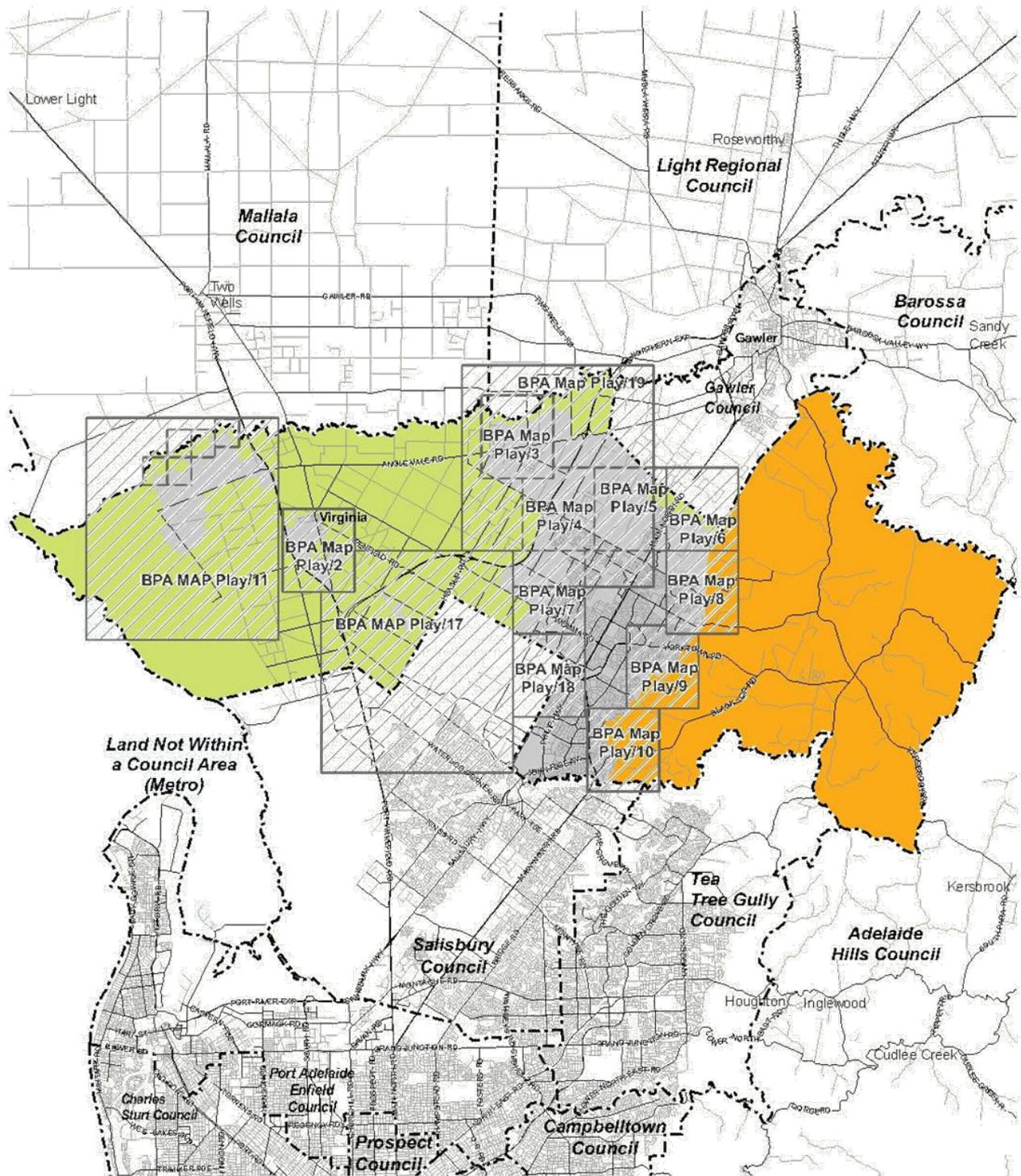
Lamberts Conformal Conic Projection, GDA94



- Zones**
- Hills Face
 - PrPro(MLR) Primary Production (Mount Lofty Ranges)
 - Zone Boundary
 - Development Plan Boundary

Zone Map Play/6

PLAYFORD COUNCIL



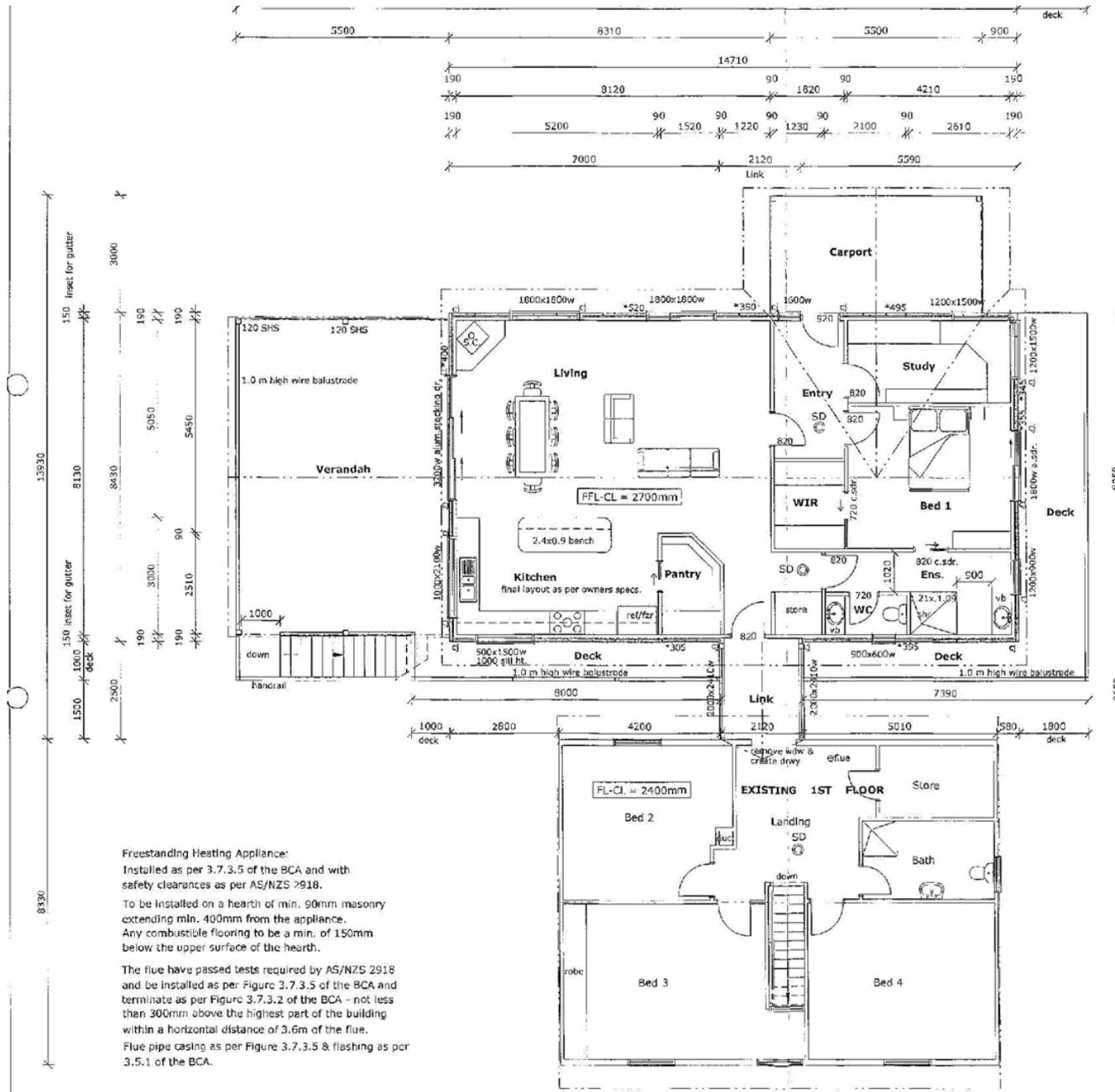
See enlargement map for accurate representation.



Bushfire Protection Area BPA Map Play/1 BUSHFIRE RISK

- High Bushfire Risk
- Medium Bushfire Risk
- General Bushfire Risk
- Excluded area from bushfire protection planning provisions
- Development Plan Boundary

PLAYFORD COUNCIL



Freestanding Heating Appliance:

Installed as per 3.7.3.5 of the BCA and with safety clearances as per AS/NZS 2918.

To be installed on a hearth of min. 90mm masonry extending min. 400mm from the appliance. Any combustible flooring to be a min. of 150mm below the upper surface of the hearth.

The flue have passed tests required by AS/NZS 2918 and be installed as per Figure 3.7.3.5 of the BCA and terminate as per Figure 3.7.3.2 of the BCA - not less than 300mm above the highest part of the building within a horizontal distance of 3.6m of the flue.

Flue pipe casing as per Figure 3.7.3.5 & flashing as per 3.5.1 of the BCA.

Building Design & Drafting Service
 PO BOX 864 WILLIAMS TOWN SA 5351

Date: **25.8.14** Scale: **as shown** Drawn: **Anthea Smith**

DIMENSIONS ARE IN MILLIMETRES UNLESS STATED OTHERWISE. FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED. VERIFY DIMENSIONS & LEVELS BEFORE COMMENCING ON SITE. ANY DISCREPANCY TO BE REPORTED TO THE DESIGNER IMMEDIATELY. PLANS TO BE READ WITH CLIENT SPECS.

Revision:

SD denotes SMOKE DETECTOR/ALARM. SMOKE ALARMS MUST COMPLY WITH AS 3786 SMOKE ALARMS MUST BE HARDWIRED, INTERCONNECTED & HAVE 9V BATTERY BACKUP. ALARMS INSTALLED ON OR NEAR CEILING

WET AREA DETAILS: COMPLY WITH THE MINISTER'S SPECIFICATION. CLAUSE SAF. 1.7 2012 & AS 3740

WC DOOR: WC DOOR TO BE READILY REMOVABLE FROM THE OUTSIDE USING "DALCO" ESCAPE HINGES, TO SWING OUTWARDS OR TO BE A SLIDING DOOR.

○ DENOTES FULL HEIGHT CONTROL JOINTS
 □ AS PER ENGRS DETAILS

cj denotes additional 10mm full height control joint to suit Hebel panels

STEP DETAILS: (Hardwood)
 PROVIDE A NON-SLIP STRIP TO NOSING
 GOINGS MAX 355 - 240MM MIN.
 RISERS MAX 190 - 115MM MIN.
 STRINGERS 300x50mm GOINGS 275x38mm

BALUSTRADE DETAILS:
 1.0M HIGH HORIZONTAL WIRE TENSIONED BALUSTRADE AS PER Table 3.9.2.1 of BCA.
 Refer also to General Specifications
 MIN. HANDRAIL HEIGHT ABOVE NOSING 865mm

AREA M2

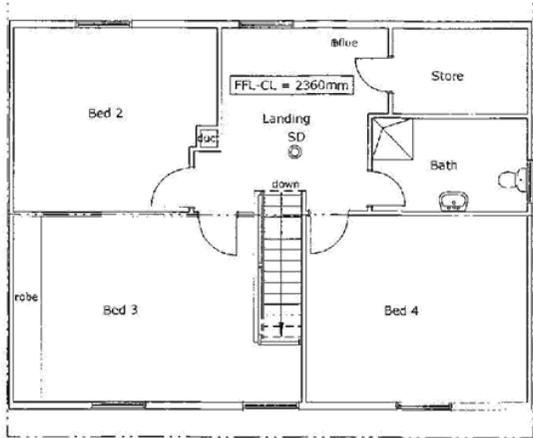
LIVING	124.01
LINK	9.54
VER./CPT	61.22
TOTAL	194.77
DECK	30.71

1ST FLOOR PLAN
SCALE 1:100

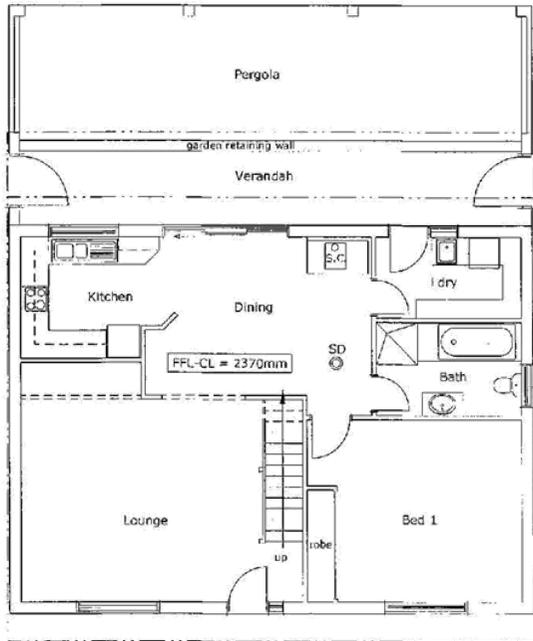
timber frame construction with "CSR Hebel Powerpanel" cladding with texture coat rendered finish
 *395 denotes cut Hebel panel

Title	PROPOSED ADDITION & ALTERATIONS TO DWELLING AND STEEL FRAME FREE-STANDING GARAGE
Client	N. L. RYAN PO BOX 1527 GAWLER SA 5118
Site	258 ALEXANDER AVENUE BIBARINGA SA 5114

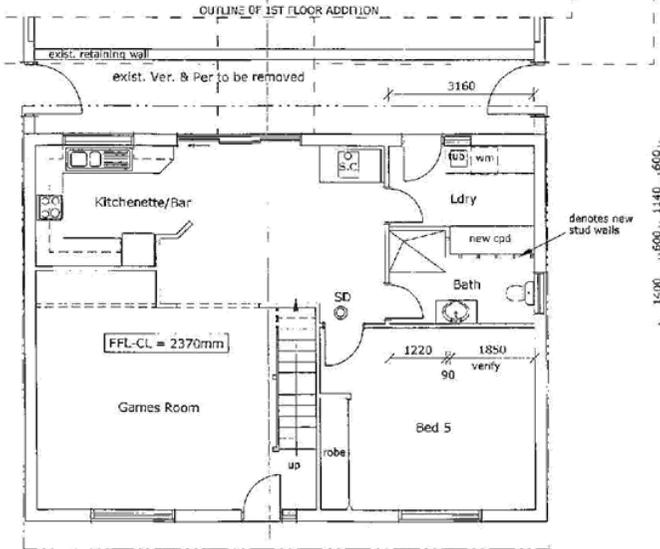
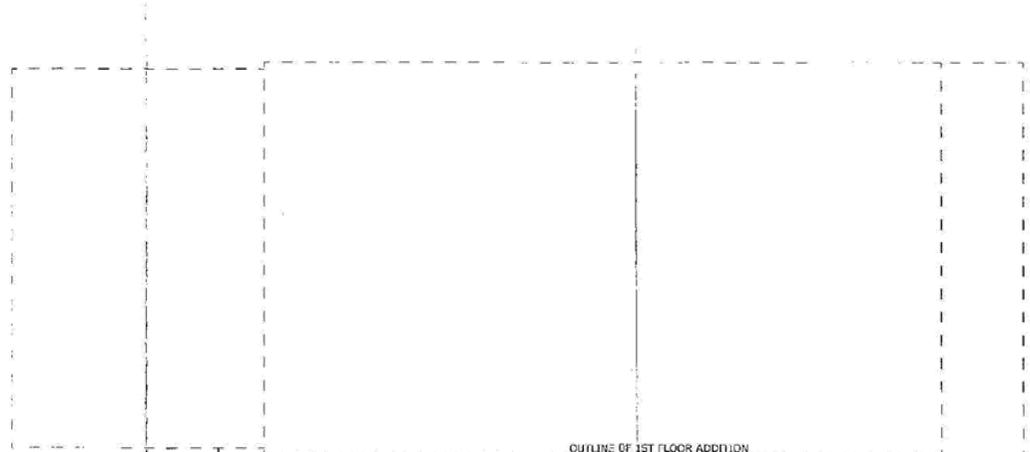
Sheet 5



EXISTING FIRST FLOOR



EXISTING GROUND FLOOR



GROUND FLOOR PLAN
showing proposed internal alterations

AREA M2
ALTERATIONS 12.10

SCALE 1:100

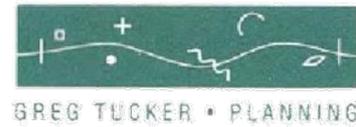
Sheet 8

Date 25.8.14	Scale as shown	Drawn Anthea Smith	Drawn No RYAN22514
DIMENSIONS ARE IN MILLIMETRES UNLESS STATED OTHERWISE. FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED. VERIFY DIMENSIONS & LEVELS BEFORE COMMENCING ON SITE. ANY DISCREPANCY TO BE REPORTED TO THE DESIGNER IMMEDIATELY. PLANS TO BE READ WITH CLIENT SPECS.			

PLANWRIGHT
Building Design & Drafting Service
PO BOX 694 WILLIAMSTOWN SA 6351
Ph. 9524 7139 Mob. 0400 265 486 email - planwrightbdds@bigpond.com

Title PROPOSED ADDITION & ALTERATIONS TO DWELLING AND STEEL FRAME FREE-STANDING GARAGE
Revision:
<small>Note: No site survey undertaken on this site. Building office to boundaries approx. only. Owner & builder to determine exact boundary location plans may need alteration to comply with required bay, setbacks.</small>

Client: N. L. RYAN PO BOX 1527 GAWLER SA 5118
Site: 258 ALEXANDER AVENUE BIBARINGA SA 5114



STATEMENT OF EFFECT

PROPOSAL: TO CONSTRUCT ADDITIONS & ALTERATIONS TO THE EXISTING DETACHED DWELLING, RETAINING WALL, WATER TANK AND GARAGE TOGETHER WITH ASSOCIATED EARTHWORKS AND LANDSCAPING.

AT: ALLOTMENT 15, DEPOSITED PLAN 9493, HUNDRED OF MUNNO PARA, 258 ALEXANDER AVENUE, BIBARINGA BEING ALL OF THE LAND CONTAINED IN CERTIFICATE OF TITLE VOLUME 5575 FOLIO 655.

FOR: NICOLE LOUISE RYAN.

1.0 INTRODUCTION

This Statement of Effect has been prepared in accordance with the provisions of Regulation 17(5) of the Development Regulations, 2008, as amended, i.e.

- (a) *a description of the nature of the development and the nature of its locality;*
- (b) *a statement as to the provisions of the Development Plan which are relevant to the assessment of the proposed development;*
- (c) *an assessment of the extent to which the proposed development complies with the provision of the Development Plan;*
- (d) *an assessment of the expected social; economic and environmental effects of the development on its locality;*
- (e) *any other information specified by the relevant authority when it resolves to proceed with an assessment of the application (being information which the relevant authority reasonably requires in the circumstances of the particular case)*

and may include such other information or material as the applicant thinks fit.

The Statement relates to an application lodged to construct additions and alterations to the detached dwelling, retaining wall, water tank and garage together with associated earthworks and landscaping. This application consists of a form and plans (Development Number 292/1206/14) that was registered by Council as being received on 8 September 2014.

The land that is the subject of this application is located completely within the **Hills Face Zone** of the Playford Council Development Plan that was consolidated on 20 March 2014. The Procedural Matters for the Zone classes this proposed development as a "non-complying" form of development.

2.0 NATURE OF THE DEVELOPMENT AND ITS LOCALITY

2.1 Development

The site of the proposed development is described as allotment 15, Deposited Plan 9493, Hundred of Munno Para, 258 Alexander Avenue, Bibaringa, being all of the land



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contained in Certificate of Title Volume 5575 Folio 655. The subject land has a frontage of approximately 206.32 metres to Alexander Avenue and a depth of approximately 232.57 metres from the road on its western boundary.

The site, which slopes down from Alexander Avenue, contains an area of approximately 4.46 hectares and has been developed with a two storey detached dwelling that was established in the 1980's. The site contains a number of small sheds and vegetation, none of which are classed as native vegetation, regulated or significant. The existing development on the subject land is shown on a copy of an aerial photograph that was submitted as part of the documents with the application. The subject land is bounded in red on that aerial photograph.

Vehicle access is gained to the subject land via an all weather access road that is located near the north-western corner of the site. An easement is located in the south-western corner of the site and is unaffected by the existing development on the site.

The two storey dwelling that was established in the 1980's is no longer suitable for the applicant and her family and they have examined ways of upgrading the existing dwelling and/or making additions and alterations to it. Given the design and age of the existing dwelling, it is difficult to undertake such alterations within the existing structure and to render the finished building suitable for their needs within a reasonable budget. The other alternative, which has eventually been settled upon, is to provide additions and alterations to the existing dwelling in accordance with the plans that form part of the application. These additions and the existing dwelling are to be used as part of one dwelling on the site as was confirmed by the applicant to the Council in an email dated 13 October 2014.

Due to the slope of the land and the desire to provide a seamless connection between the existing dwelling and the additions with the same finished floor levels, the wall height above the finished ground level in places will exceed 3.0 metres as will the gable ends exceed 5.0 metres. It should be noted however that the wall height of the existing dwelling exceeds 3.0 metres (approximately 5.3 metres) above the finished ground level as do the gable ends exceed 5.0 metres (approximately 6.321 & 6.496 metres respectively).

The proposed addition to the existing dwelling will have a setback from Alexander Avenue of approximately 39.0 metres at its closest point. As part of the development of the subject land, the applicant also seeks to establish a garage 12.0 metres X 6.0 metres with 3.0 metre wall heights. This structure is proposed to be located approximately 25.0 metres from the Alexander Avenue boundary of the subject land. This new structure will replace an existing shed that will be demolished. This structure is to be used for domestic purposes for the storage and garaging of household goods, motor vehicles and a caravan. Any on-site visitor car parking required for persons visiting the site is already accommodated on the subject land near the existing dwelling.

It is proposed that the materials to be used for the additions to the existing dwelling and garage will be as follows:

Walls	Rendered finished " <i>Paperbark</i> ".
Roof and Trims, Gutters, posts and downpipes	Custom Orb sheet cladding with matching trim finished in Colorbond " <i>Woodland Grey</i> ".



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Windows	Aluminium powder coated in "Woodland Grey".
Garage	Colorbond finish "Cottage Green".

The area between the floor level of the dwelling and the ground level will be enclosed with material to blend in texture and colour with the cladding on the proposed dwelling addition. This enclosure will be undertaken in order to minimise and reduce the of bushfire in accordance with the relevant bushfire provisions and in particular Principle of Development Control 17 in the *General Section – Hazards* of the Development Plan.

Vehicle access to the dwelling and the proposed garage will continue to be gained via the existing all weather access road that is located near the north-western corner of the subject land. This access road has been designed and established in accordance with "Minister's Code: Undertaking development in Bushfire Protection Areas" and enables all vehicles, including emergency service vehicles, to enter and leave the site in a forward direction.

A rainwater tank capable of containing 40,000 litres of water is proposed to be established east of the existing dwelling. Another tank capable of containing 22,500 litres is to be established near the proposed garage. As the subject land is located in an area that has been designated in the Development Plan as having a "High Bushfire Risk", this tank will be dedicated for fire fighting purposes in accordance with the "Minister's Code: Undertaking development in Bushfire Protection Areas."

There will be no increase in demand for the existing services connected to the subject land greater than that which is already being consumed. All domestic wastewater produced on the site will be treated and disposed of in the existing wastewater system (1,650 litre tank) which is located as shown on the site plan that forms part of the application. Approval has been granted by the Playford Council to an application to utilise this existing system should the dwelling additions be approved. That application was dealt with as WAST/54/2014.

In order to establish the proposed additions to the existing dwelling, some earthworks will be required as can be seen on the site plan that forms part of this application. Some existing vegetation will be affected in order to establish the proposed additions to the existing dwelling however none of this vegetation is classed a native, regulated or significant. The applicant proposes as part of this application to continue the general upgrade and landscaping of the subject land by establishing additional screen planting of indigenous species near the Alexander Avenue boundary of the site.

The existing dwelling and sheds are not prominently visible from Alexander Avenue, and in my opinion, the existing dwelling is barely visible from that road due to the set back and the existing vegetation on the site. The proposed dwelling additions will present as a single storey structure when viewed, if possible, from Alexander Avenue.

Those areas of the subject land that are not used for the dwelling, sheds and the addition to the existing dwelling and garage, together with the private open space associated with the dwelling, will continue to be used for rural living purposes.

The proposed development is not to be located near the existing easement on the subject land.



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2.2 The Locality

Within the locality in which the subject land is situated are what could only be described as rural living sized allotments. These allotments have each been developed with a detached dwelling, carport or garage and are used for rural living purposes. These rural living allotments can be seen on the plan reproduced from an enlargement of portion of Map 6 of the Development Plan. Their rural living uses can be seen from an examination of an aerial photograph or by a site visit.



Allotment 15, which is the subject land, is located centrally on this plan.

3.0 RELEVANT DEVELOPMENT PLAN PROVISIONS

Those provisions of the Development Plan that are most relevant to an assessment of the proposed development can be found in the Development Plan for the Playford Council that was consolidated on 20 March 2014. In my opinion they consist of the Objectives and Principles of Development Control under the following headings:

General Section:

Design and Appearance

Objective 1.

Principles of Development Control 1, 4, 6, 10, 11, 12, 15, 16, 17, 22, 23, 24 & 25.

Energy Efficiency

Objective 1.

Principles of Development Control 1, 2, 3, 4 & 5.

Hazards

Objectives 1, 2, 4, 5 & 8.

Principles of Development Control 1, 2, 4, 5, 8, 12, 13, 14, 15, 16, 17, 30 & 31.

Infrastructure

Objectives 1 & 4.



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Principles of Development Control 1, 2, 3, 5, 8 & 9.

Interface between Land Uses

Objectives 1, 2 & 3.

Principles of Development Control 1 & 2.

Landscaping, Fences and Walls

Objectives 1 & 2.

Principles of Development Control 1, 2, 3 & 4.

Orderly and Sustainable Development

Objectives 1, 2, 3 & 4.

Principle of Development Control 1.

Regulated Trees

Objectives 1 & 2.

Principles of Development Control 1, 2 & 3.

Residential Development

Objectives 1 & 2.

Principles of Development Control 1, 3, 4, 5, 8, 10, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 28, 36, 37, 38, 40, 41, 43 & 44.

Significant Trees

Objectives 1 & 2.

Principles of Development Control 1, 2, 3 & 4.

Siting and Visibility

Objective 1.

Principles of Development Control 1, 2, 3, 4, 5, 6, 7, 8 & 9.

Sloping Land

Objective 1.

Principles of Development Control 1, 2, 3, 4, 7 & 8.

Transportation and Access

Objectives 1 & 2.

Principles of Development Control 15, 23, 24, 32, 35, 36, 37, 40, 43 & 44.

Waste

Objectives 1 & 2.

Principles of Development Control 1, 2, 3, 4, 7, 14, 15 & 18.

Zone Section:

Hills Face) Zone

Objectives 1, 2 & 3.

Desired Character

Principles of Development Control 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 25, 26 & Procedural Matters (Non-complying Development).

4.0 ASSESSMENT

4.1 Design and Appearance

Objective 1.

Principles of Development Control 1, 4, 6, 10, 11, 12, 15, 16, 17, 22, 23, 24 & 25.

The proposed development exhibits a high standard of design that will result in the proposed development reinforcing and responding to the local environment and built form into which it is to be located. The proposed addition to the existing dwelling and garage have been sited to conserve the surrounding character due to the orientation, setback from all boundaries, minimal cut and fill as shown on the site plan that forms



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part of the application, use of the existing access track and the incorporation of appropriate bushfire prevention measures.

The proposed development is to be undertaken using materials and colours that are not highly reflective and should result in the development blending with its environment. The building height, mass and proportion of the proposed addition to the existing dwelling are such that this portion of the development will be of single storey appearance when viewed from Alexander Avenue. Given the setbacks and existing and proposed landscaping it is unlikely that much of this proposed addition will be visible from that road.

The proposed addition to the existing dwelling incorporates a carport, verandah and balconies to create visual interest. These components are integrated with the overall form and detail of the proposed building. The proposed development is to be located at least 25 metres from any boundary of the site and will meet the requirements as set out in Principles of Development Control 24 and 25.

Given the setbacks and landscaping of the site, the proposed development will not result in any overshadowing or overlooking into any adjacent property.

The proposed development is consistent with the above Objective and Principles of Development Control.

4.2 **Energy Efficiency**

Objective 1.

Principles of Development Control 1, 2, 3, 4 & 5.

The proposed development has been designed to conserve energy and to allow solar access to the addition to the existing dwelling. The siting of this addition will ensure natural light and winter sun into the main living area. The roof has been designed to enable the installation of photovoltaic cells in the future.

The proposed development is consistent with the above Objective and Principles of Development Control.

4.3 **Hazards**

Objectives 1, 2, 4, 5 & 8.

Principles of Development Control 1, 2, 4, 5, 8, 12, 13, 14, 15, 16, 17, 30 & 31.

The proposed development will be located in an area that has been identified in the Development Plan as having a "High Bushfire Risk". The development has been designed and will be constructed to minimise the threat and potential impact of a bushfire. The proposed addition to the existing dwelling has been designed and configured to reduce the potential impact of bushfire by, amongst other things, enclosing the area below the floor level thereby avoiding trapping burning debris under or against the building.

The proposed 22,500 litre rainwater tank that is to be located near the proposed garage will be the designated supply of water for firefighting purposes. The existing access road within the subject land will be enhanced where necessary and will be maintained in order to meet the requirements of the "Minister's Code for undertaking development in Bushfire Protection Areas – As amended December 2009." This will enable all



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vehicles, including emergency vehicles, to enter and leave the subject land in a forward direction.

The subject land is not known to be located in an area that is subject to landslip or flooding. The proposed development has been designed and will be undertaken in a manner that no earthworks will result in the impediment to the flow of floodwaters through the land, result in an increase to public safety of persons during a flood event or obstruct a watercourse.

The proposed development is consistent with the above Objectives and Principles of Development Control.

4.4 Infrastructure

Objectives 1 & 4.

Principles of Development Control 1, 2, 3, 5, 8 & 9.

The proposed development will be connected to the existing infrastructure already connected to the subject land. Rainwater will be harvested from the roof areas of the proposed garage, the existing dwelling and the proposed additions to that dwelling and stored in the existing and proposed rainwater tanks. These proposed tanks will have capacities of 22,500 litres and 40,000 litres respectively.

The proposed development is consistent with the above Objectives and Principles of Development Control.

4.5 Interface between Land Uses

Objectives 1, 2 & 3.

Principles of Development Control 1 & 2.

The existing use of the subject land is for rural living purposes which is consistent with the other existing uses on the allotments adjoining the site. The proposed development will not alter this existing use of the subject land.

The proposed development will not result in the emission of effluent, odours, smoke, fumes, dust or other airborne pollutants, noise, vibration, electrical interference, light spill or glare. The proposed development will not have any impact on traffic using Alexander Avenue.

The proposed development is consistent with the above Objectives and Principles of Development Control.

4.6 Landscaping, Fences and Walls

Objectives 1 & 2.

Principles of Development Control 1, 2, 3 & 4.

The proposed development will incorporate additional landscaping using suitable indigenous plants particularly in the area between the proposed garage and addition to the existing dwelling and the Alexander Avenue boundary. This additional planting is as shown on the part site plan that was included with the application. This proposed planting will not restrict solar access to adjoining development, cause damage to buildings, paths or other landscaping from root invasion, soil disturbance or plant overcrowding.



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The proposed development is consistent with these Objectives and Principles of Development Control.

4.7 Orderly and Sustainable Development

Objectives 1, 2, 3 & 4.

Principle of Development Control 1.

The proposed development is considered to be creating an economic extension to the existing dwelling in a safe, convenient and pleasant environment in which the applicant and her family can live. The continued use of the subject land for rural living purposes will not jeopardise the continuance of the existing adjoining authorised land uses of rural living nor will it prejudice the achievement of the provisions of the Development Plan.

The proposed development is consistent with these Objectives and Principle of Development Control.

4.8 Regulated Trees

Objectives 1 & 2.

Principles of Development Control 1, 2 & 3.

The proposed development will not impact on any regulated tree(s), as none are located on the subject land.

The proposed development is consistent with these Objectives and Principles of Development Control.

4.9 Residential Development

Objectives 1 & 2.

Principles of Development Control 1, 3, 4, 5, 8, 10, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 28, 36, 37, 38, 40, 41, 43 & 44.

The proposed development involves the alteration and addition to the existing dwelling on the subject land. This existing dwelling is located in a safe, convenient, pleasant and healthy-living environment that suits the needs and preferences of the applicant and her family. The proposed development will not alter that environment and reinforces the applicant and her family preference to remain on this site.

The proposed addition to the existing dwelling has been designed to ensure that the main living area has an external outlook towards Alexander Avenue and the entry to the dwelling will be clearly visible from the driveway providing access from that road.

The proposed garage and carport have been designed to have roof form and pitches, use building materials and have detailing to complement the proposed additions to the existing dwelling.

The proposed garage is to be ancillary to the use of the site with the dwelling and for rural living purposes and will be used for domestic purposes for the storage and garaging of household goods, motor vehicles and a caravan.

Given the allotment size and the design of the proposed development, more than adequate areas will remain on the subject land for pedestrian and vehicle access and



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parking, outdoor clothes drying areas, rainwater tanks, private open space and landscaping once this proposed development has been undertaken.

No upper level windows of the proposed development will overlook into windows on any building on an allotment adjoining the subject land.

The proposed additions to the existing dwelling will be setback from all boundaries to meet the requirements of Principles of Development Control 36, 37 and 38. The proposed garage is to have a setback of 25 metres from Alexander Avenue and will in effect in part replace an existing shed in that location. Whilst this proposed garage is to be located in front of the proposed additions to the existing dwelling it will be located with a greater setback from that road than the existing sheds on the site and adequately screened by the existing sheds and existing and proposed landscaping.

The vehicle access to the subject land is to continue to be gained from the existing all weather access road that is located near the north-western corner of the subject land. This road is 3 metres wide with a maximum gradient of 16 degrees and will be maintained in order to meet the requirements of the "Minister's Code for undertaking development in Bushfire Protection Areas – As amended December 2009."

The proposed development is consistent with these Objectives and Principles of Development Control.

4.10 Significant Trees

Objectives 1 & 2.

Principles of Development Control 1, 2, 3 & 4.

The proposed development will not impact on any significant tree(s) as none are located on the subject land.

The proposed development is consistent with the above Objectives and Principles of Development Control.

4.11 Siting and Visibility

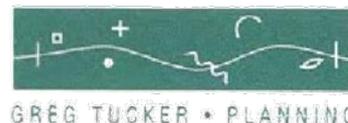
Objective 1.

Principles of Development Control 1, 2, 3, 4, 5, 6, 7, 8 & 9.

The proposed development has been designed to minimise any impact and to blend with the scenically attractive environment into which it is to be located. The proposed development will be located below any ridgeline and sited in such a way as to not be visible when viewed from public roads.

The proposed development has been designed and the materials selected to minimise their visual impact in the landscape through the siting of the buildings, incorporation of eaves, verandahs and a carport to create shadowed areas that will serve to reduce the bulk of the building. The use of external materials that are of natural colours and not highly reflective and will also assist in the building blending into the landscaped environment.

The proposed development has been designed and sited to ensure that as much of the existing vegetation as possible will be retained and additional landscaping using indigenous plantings will be near the Alexander Avenue boundary of the site.



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The proposed development is consistent with these Objective and Principles of Development Control.

4.12 Sloping Land

Objective 1.

Principle of Development Control 1, 2, 3, 4, 7 & 8.

The proposed development has been designed to ensure that it is integrated with the natural topography of the land as much as possible and thereby reduce the need for excessive earthworks. The excavation and filling of the site has been kept to a minimum and, together with the provision of a retaining wall where required, will not result in landslip or erosion.

The proposed development is consistent with the above Objective and Principle of Development Control.

4.13 Transportation and Access

Objectives 1 & 2.

Principles of Development Control 15, 23, 24, 32, 35, 36, 37, 40, 43 & 44.

The existing all weather road on the subject land will continue to be used to provide vehicle access to the subject land. The access point for this internal road has proven to be safe and convenient with vehicles entering and leaving the site able to do so in a forward direction without adversely impacting on traffic using Alexander Avenue, which also has an all weather surface (sealed with bitumen).

More than adequate areas are available on the subject land to accommodate any demand for off street parking, loading and unloading and turning areas, including for emergency service vehicles.

The proposed development is consistent with the above Objectives and Principles of Development Control.

4.14 Waste

Objectives 1 & 2.

Principles of Development Control 1, 2, 3, 4, 7, 14, 15 & 18.

Any wastes likely to be produced as a result of this proposed development can be managed on the subject land in an environmentally responsible manner.

All wastewater will be dealt with on the subject land in an environmentally sensitive manner using the existing 1,650 litre septic tank and soakage trenches in accordance with an application that Council has approved (WAST/54/2014).

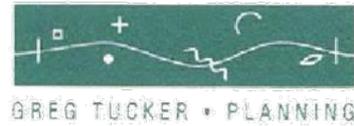
The proposed development is consistent with the above Objectives and Principles of Development Control.

4.15 Hills Face Zone

Objectives 1, 2 & 3.

Desired Character

Principles of Development Control 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 25, 26 & Procedural Matters (Non-complying Development).



The reasons/purposes for creating this Zone are generally expressed in the Objectives that provide as follows:

- "1 A zone in which the natural character is preserved and enhanced or re-established in order to:
- (a) provide a natural backdrop to the Adelaide Plain and a contrast to the urban area
 - (b) preserve biodiversity and restore locally indigenous vegetation and fauna habitats close to metropolitan Adelaide
 - (c) provide for passive recreation in an area of natural character close to the metropolitan area
 - (d) provide a part of the buffer area between metropolitan districts and prevent the urban area extending into the western slopes of the Mount Lofty Ranges
 - (e) ensure that the community is not required to bear the cost of providing services to and within the zone."

The subject land and the existing development located upon it and any further development on the land are not and will not be visible from the Adelaide Plains. The proposed development will not remove any existing biodiversity and locally indigenous vegetation from the site but will provide supplementary locally indigenous plants between the proposed buildings and the Alexander Avenue boundary.

The proposed development will not reduce the existing natural character of the Zone but will in fact add to it by the addition of locally indigenous plants. The development will not impact on the area continuing to be used for passive recreation.

The proposed development will not diminish the land or locality from being a buffer area between the Metropolitan area and the western slopes of the Mount Lofty Ranges as the site is not visible from the Metropolitan area and not located on the western slopes of the Ranges.

The proposed development will utilise the existing services already connected to the subject land and will therefore not require the extension of any services.

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

The proposed development is to be located on an allotment that is considered to be a rural living sized allotment, as are the other allotments in the locality in which the subject land is located. This proposed development, which incorporates additional locally indigenous plants, should ensure the preservation and enhancement of the natural character of this portion of the Zone.

The proposed development will not be highly visible from any roads in the Zone and not



visible at all from the Adelaide Plains.

The proposed development will not require any extension to the existing services already provided to the subject land. The proposed development has been designed to meet the requirements of the "Minister's Code for undertaking development in Bushfire Protection Areas – As amended December 2009" which should serve to minimise any potential loss of life and property resulting from bushfires.

"3 *Development that contributes to the desired character of the zone.*"

The Desired Character for the Zone, to which the proposed development contributes and with which it is consistent, is expressed as follows:

"The western slopes of the south Mount Lofty Ranges in Metropolitan Adelaide are an important natural asset to both the population of the urban area and the tourism industry. Development which is undertaken in this zone should not only preserve but should also enhance the natural character of the zone or assist in the re-establishment of a natural character. The term "natural character" refers to the natural topography, native vegetation and colours, such as greens and browns of non-reflective earthen tones, normally associated with a natural landscape. Additionally, natural character refers to the open character of the land in those areas of the zone where open grazing currently predominates.

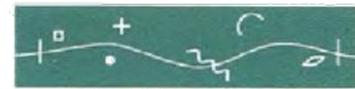
In those parts of the zone where, prior to 1975, concentrations of smaller than average allotments were created, special attention needs to be paid to the scale, design and landscaping of development because there are fewer location options for development on these allotments.

The extent of native vegetation and open grassland, the steep slopes and the difficulty of access combine to make this zone a high fire risk area. It is important that developments incorporate fire protection measures to minimize the fire risk. While vegetation management is an important part of minimizing the fire risk, the destruction of existing native vegetation and failure to provide landscaping as to screen buildings and improve the amenity of the zone are not considered acceptable fire protection measures.

The Hills Face Zone is not a residential zone and so services provided in an urban area will not be provided in this zone. Accordingly, development should not be undertaken if it is likely, in itself or in association with other development, to create a potential demand for such services. Activities and projects by State and local agencies which are considered necessary in this zone should be located, sited, constructed and maintained to promote the objectives for the zone and complement the principles of development control relating to this zone. Tourist facilities are appropriate provided they are of a low-scale and are sited unobtrusively."

The proposed development will preserve the existing character of this section of the Zone and will serve to enhance it by minimising the extent of earthworks required to establish it, not require the removal of any native, significant or regulated trees and will provide addition locally indigenous plants. The colours of the materials selected for the external cladding to the proposed structures are of natural colours and not highly reflective.

The proposed development incorporates appropriate bushfire protection measures to minimise the fire risk in accordance with the Minister's Code "Undertaking development in Bushfire Protection Areas – As amended December 2009".



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There will be no additional demand for services in order to undertake this proposed development, as the existing services already connected to the site will be utilised.

The proposed development will be undertaken on land that does not have an unacceptable slope or pose an unacceptable risk of soil movement, land slip or erosion. The proposed development will be established with the extent of earthworks being kept to a minimum with any cut and fill faces not being visible from Alexander Avenue or any adjoining property. The slopes resulting from any earthworks will be stabilised to prevent erosion.

The proposed development has been designed and will be located so that it will;

- (a) be located not to be visible against the skyline when viewed from roads within the zone or from the metropolitan area particularly the Adelaide Plain,
- (b) have the roofline below the lowest point of the abutting road as the allotment is on the low side of the road,
- (c) be sited on excavated rather than a filled site in order to reduce the vertical profile of the building,
- (d) be screened by existing native vegetation when viewed from roads within the zone or from the metropolitan area particularly the Adelaide Plain,
- (e) be located well below the ridge line,
- (f) be located within valleys or behind spurs
- (g) be set well back from public roads,
- (h) be sited on excavated, rather than a filled site in order to reduce the vertical profile of the building,
- (i) not be sited on landfill which would interfere with the flow of floodwaters,
- (j) not have a septic tank drainage field located in such a way as to pollute watercourses,
- (k) be located in such a way as to maximise the retention of existing vegetation and retain watercourses in their natural state
- (l) have a year round water supply.

This application has been lodged as the two storey dwelling that was established in the 1980's is no longer suitable for the applicant and her family and they have examined ways of upgrading the existing dwelling and/or making additions and alterations to it. Given the design and age of the existing dwelling, it is difficult to undertake such alterations within the existing structure and to render the finished building suitable for their needs within a reasonable budget. The other alternative, which has eventually been settled upon, is to provide additions and alterations to the existing dwelling in accordance with the plans that form part of the application.

Due to the slope of the land and the desire to provide a seamless connection between the existing dwelling and the additions with the same finished floor levels, the wall height above the finished ground level in places will exceed 3.0 metres as will the gable ends exceed 5.0 metres. It should be noted however that the wall height of the existing dwelling exceeds 3.0 metres (approximately 5.3 metres) above the finished ground level as do the gable ends exceed 5.0 metres (approximately 6.321 & 6.496 metres respectively).

The Procedural Matters for the Hills Face Zone deem that dwelling to be a "non-complying" form of development except where it achieves all of the following criteria:



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- “(a) it will not result in more than one dwelling on an allotment and:*
- (i) no other dwelling exists on the allotment*
 - (ii) no valid development authorisation to erect a dwelling on that allotment exists*
 - (iii) no other development application has been made for a dwelling on that allotment and has yet to be determined*
- (b) the scale and design is such that:*
- (i) The vertical distance between any point at the top of any external wall and the finished ground level immediately below that point on the wall is less than 3 metres, other than gable ends of the dwelling where the distance is less than 5 metres*
 - (ii) there is no floor level directly above another floor level, except where the upper floor level is located wholly at or below finished ground level*
 - (iii) the depth of excavation and/or height of filling of land are less than 1.5 metres*
 - (iv) access to a new dwelling is provided by a private vehicular access track that is less than 30 metres in length and which has a gradient of less than 16 degrees (1-in-3.5) at any point*
 - (v) it does not involve the clearance of native vegetation comprising trees and/or shrubs.”*

The proposed development is consistent with the above Objectives, Desired Character and Principles of Development Control and meets **all** of the exceptions for a dwelling in the Procedural Matters with the except (b) (i) above due to the external wall heights. It should noted however that the proposed development will not be visible from the Adelaide Plains as is sought by the Hills Face Zone provisions nor most other sites beyond the boundaries of the subject land.

5.0 SOCIAL, ECONOMIC AND ENVIRONMENTAL EFFECTS

5.1 Social Effects

The proposal will not have any negative social effects on the community. It will however have a positive impact on the applicant and her family as they can remain on the subject land and not have to move to find a dwelling with the necessary facilities to accommodate them.

5.2 Economic Effects

The proposal will have a positive economic effect particularly during the establishment of the development. This positive effect will be by providing employment during the construction phase.

There will be no costs incurred by the community by way of the provision of infrastructure should the development proceed as the subject land is already connected to such services.

5.3 Environmental Effects

The proposal will not have a detrimental environmental effect, as the proposed development will not produce dust, odours, noise or any other form of nuisance to users of the adjoining public roads or adjoining properties. No storm water from roof areas or roadways on the subject land will escape from the land and all waste



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produced can be dealt with on the subject land. The proposed development will be undertaken with minimal impact on the existing vegetation.

6.0 OTHER INFORMATION

6.1 Relevant Authority

Council, as the relevant planning authority, has sought additional information relative to this application that has needed to be included within this Statement of Effect. This information included comment on the retaining wall, selected infill under the deck and the use of the garage. Whilst the information is dealt with in this Statement of Effect, specific comments are provided below with respect to each of those matters:

- a) there will be minimal soil behind the retaining wall and what soil is located there will be from any excess soil resulting from the excavation of the site,
- b) the area beneath the proposed dwelling addition will not be filled with soil but merely enclosed with paneling in order to meet the requirements with respect to minimising the potential impact of a bushfire as required by relevant legislation including the Development Plan,
- c) the materials used to infill below the proposed dwelling additions will blend in texture and colour with the cladding on the proposed dwelling addition,
- d) the proposed garage is to be used for domestic storage and garaging of household goods, motor vehicles and a caravan.

7.0 CONCLUSION

Having considered all of the relevant matters including:

- the information submitted with, and forming part of, this application, and
- the existing and proposed development on the subject land, including the proposed two storey addition to the existing dwelling, is and will not be visible from any properties adjoining the subject land and will not be able to be seen from the Adelaide Plains, and
- the proposed development will involve the additions to the existing two storey dwelling that itself does not meet the provisions of the Development Plan with respect to the wall heights and gable ends, as they are greater than 3.0 metres and 5.0 metres respectively above the finished ground level, and
- the establishment of the proposed additions to the existing dwelling and garage will not result in the incremental erosion of the existing landscape character in this portion of the Zone, and
- the proposed development will not inhibit the continued use of the subject land for rural living purposes, and
- the rural living nature of the locality in which the land is situated, and
- the establishment of this proposed development will not inhibit the continued use of any other adjoining land for rural living purposes, and
- the proposed development is to occur on an allotment that is eminently suitable for the intended uses, and
- the natural colours and the material selected are not highly reflective and are such that the proposed additions to the existing dwelling and the proposed garage will blend into the natural landscape in which they are to be established and be consistent with the siting and design criterion expressed in the Development Plan, and
- the need for minimal site works in order to establish the proposed additions to the existing dwelling, and



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- minimal existing vegetation will be removed in order to establish the proposed development and additional screen planting using locally indigenous species will be undertaken, and
- the orderly nature of the development in its location, and
- the subject land in the vicinity of the proposed development is not subject to contamination, flooding or ground instability, and
- the proposed development will not emit effluent, odours, smoke, fumes, dust or other airborne pollutants, noise, vibration, electrical interference, light spill or glare, and
- more than adequate areas are available on the site to accommodate any anticipated parking demand, and
- all vehicles, including emergency service vehicles, can enter and leave the site in a forward direction using the existing access point to Alexander Avenue, and
- the proposed development, including the provision of a rainwater tank designated for fire fighting purposes, driveways and roadways, has been designed and will be established in accordance with the Minister's Code "Undertaking development in Bushfire Protection Areas – As amended December 2009", and
- the proposed development will not require access to any existing services in the area, namely water or power, above what is already provided to the subject land, and
- all waste, including wastewater, will be dealt with on the subject land in an environmentally sensitive manner by using the existing approved wastewater system, and
- the proposed development will not have any impact on the existing watercourses on the subject land, and
- the proposed development will not be visible from the Adelaide Plains, and
- the proposed development should enhance the natural character of this portion of the Hills Face Zone, and
- the single storey nature of the proposed additions when viewed, if possible, from Alexander Avenue, and
- all of the relevant provisions of the Development Plan and in particular the intent and those provisions for the Hills Face Zone with the exception of the Procedural Matters as the proposed additions has external walls exceeding 3 metres above the finished ground level immediately below that point of the wall and exceeding 5 metres at the gable ends and is therefore is deemed to be a "non-complying" form of development

I am of the opinion that the proposal is not seriously at variance with all of the provisions of the Development Plan and that it should be granted a Development Plan consent by the Council and the concurrence of that consent by the Development Assessment Commission.

Greg Tucker

BA in Planning, Grad Dip in Environmental Planning,
Grad Dip in Recreation, FPIA

28 October 2014







4.2 DIVISION OF LAND (1 ALLOTMENT INTO 2 ALLOTMENTS) - NON-COMPLYING DEVELOPMENT

1. Snapshot

Author:	Jane Strange
Proposal:	Division of Land
Development Number:	292/D036/14
Date of Lodgement:	09 April 2014
Owner:	Q P Duong and T D Le
Applicant:	Quan Am Temple Incorporated
Location:	Lot 199 Angle Vale Road Hillier
Zone:	Primary Production
Classification:	<i>Non-Complying</i> (resolution to proceed to full assessment made by CDAP on 15 December 2014)
Public Notification Category:	Category 3
Representation Received:	No
Development Plan:	Consolidated 20 March 2014
Request for Additional Information Made?	Yes, on 10 th April 2014 and 19 th November 2014
Recommendation:	To grant Development Plan Consent.
Attachments:	<ol style="list-style-type: none">1. Plan of Division2. Aerial View of Subject Land3. Zone Map4. Precinct Map5. Overlay Map Transport6. Statement of Effect - Planning Solutions SA

2. The Subject Land

The land is trapezoid in shape and is located on Angle Vale Road in the locality of Hillier, east of the Fatchen Expressway and approximately two kilometres from the township of Angle Vale.

The overall size of the subject land is 5.123 hectares. The land has a frontage of 125.53 metres, a depth of 424.3 metres on the eastern boundary and a length of 473.06 metres on the western boundary.

A single storey transportable dwelling is located approximately 30 metres from the front boundary. Extensive glasshouses and ancillary shedding, a water tank and a single storey religious facility (temple) are also located on the allotment.

Structures ancillary to the temple include a small outbuilding, a toilet block, a decorative wall, an entry gate, a statue and a monument. The area immediately in front of the temple is well landscaped.

The temple and its associated structures dominate the view of the land from the public realm and neighbouring properties. The gateway on the front boundary frames the sight line to the monument, statue and temple, which are set back 13 metres, 27 metres and 75 metres respectively from the front property boundary.

The area in front of the temple adjacent Angle Vale Road has established and well planned but immature landscaping. There are several established (but not Regulated) Eucalyptus trees close to the western boundary of proposed Lot 3, either side of the boundary.

Post and wire fencing exists around the perimeter of the subject land, with the exception of decorative fencing which has been installed on the southern boundary of proposed Lot 3. Tubular fencing has also been installed on the western boundary of proposed Lot 3.

The Fatchen Expressway, which is classified as a Strategic Transport Route and Primary Arterial Road in the Development Plan, lays approximately 500 metres west of the subject land. Angle Vale Road is classified as a Secondary Arterial Road in the Development Plan.

The allotment is generally flat but rises gently from the south towards the north. The current land uses are horticulture, residential ancillary to the horticultural use, a religious facility and ancillary buildings.

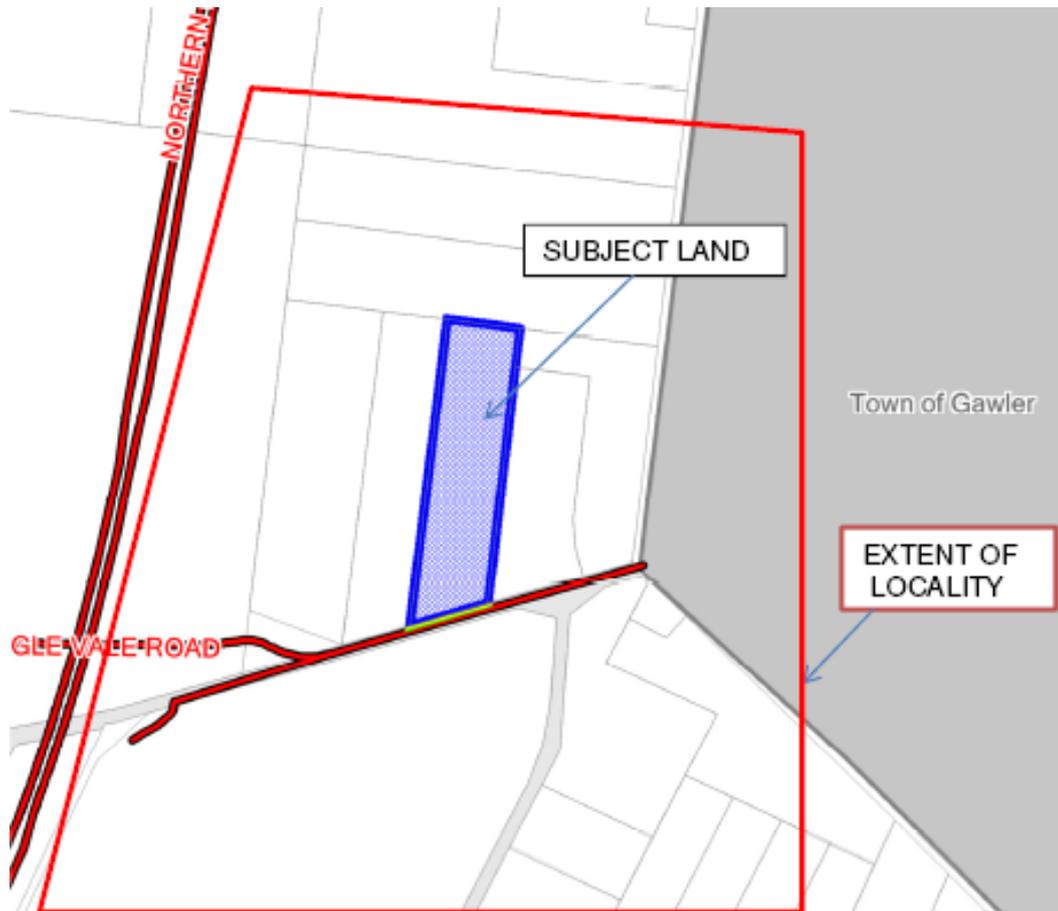
The Certificate of Title notes a triangular easement in the south western corner to ETSA (SA Power Networks). There are no Regulated Trees on or about the land.

3. The Locality

Based on the visibility of the structures on the land, the extent of the locality is considered to include:

- The subject land;
- The area directly in front of the subject land, including the public road (Angle Vale Road);
- Nearby rural residential properties in Hillier, namely Lots 329, 1, 305, 1, 2 and 18 Angle Vale Road; Lots 50, 3 and 4 Andrews Road;
- A small section of the Fatchen Expressway approaching the Angle Vale Road ramp; and
- Angle Vale Road from the Fatchen Expressway to Wingate Road.

3.1 Locality Plan



The locality contains predominantly horticultural and agricultural land uses with ancillary dwellings.

The prevailing character of the locality is defined by open farming land and orchards, with buildings well set back from roads. Further afield, the land has a variety of uses which include agriculture, orchards, intensive horticulture (glass houses) and fallow land.

The decorative design of the temple on the subject land contrasts with the rural development which characterises the locality. Almond orchards exist to the north, east and south east. The land to the north, west and south is used for agriculture or lays fallow.

The open, rural character of the locality provides for a high level of visual amenity.

The properties adjacent to the subject land (three of which contain dwellings) are used for agriculture and contribute to the rural amenity of the locality. Landscaping is evident surrounding the established dwellings; most of the locality has been cleared for cultivation.

Overall, the prevailing character of the locality is in keeping with a rural farming community.

3.2 Zoning

The subject land is depicted on Zone Map Play/5 in the Mapping Section of the Development Plan.

By virtue of its location, the land is entirely within:

- The Primary Production Zone;
- The Precinct 17 Horticulture; and
- Is covered by the Play/5 Transport Overlay.

4. The Proposal

According to Regulation 16 of the Development Regulations (2008), if an application will require a relevant authority to assess a proposed development against the provisions of a Development Plan, the relevant authority must determine the nature of the development, and proceed to deal with the application according to that determination.

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

“Division of land – creation of two allotments from one allotment.”

The applicant seeks consent to divide the subject land in order to separate the religious facility and associated structures from the horticulture use.

Council has, over the past 15 years, approved various developments on this property, including a Buddhist community centre, a verandah, a toilet block and associated on-site waste water system, a statue, fencing and gates, a monument and a garden shed.

Proposed Lot 3 in the submitted Plan of Division contains all of the development associated with the temple and separates it entirely from the horticulture activity located on proposed Lot 4.

Vehicle access will be via the existing two crossovers from Angle Vale Road.

The uses on both proposed lots will continue as they have over the previous 15 years and there will be no visible change to the existing structures or configuration.

5. Procedural Matters

5.1 Classification

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

The creation of an additional allotment in the Primary Production Zone is assigned as *Non-Complying* development in the Playford Council Development Plan – consolidated 20 March 2014.

Only land division which complies with the following is exempt:

Except where any of the following applies, it is located:

(a) outside of Rural Policy Area 5 or Precinct 18 Rural Fringe and no additional allotments are created wholly or partly within the zone

(b) within Rural Policy Area 5 and results in the creation of allotments of greater than 4 hectares

(c) within Precinct 18 Rural Fringe and achieves one of the following

(i) results in the creation of allotments of greater than ten hectares

(ii) results in the creation of allotments of less than 10 hectares where each allotment has a depth which is not more than four times the width of the allotment and one of the following applies:

(A) the allotments would be used for horticultural activities

(B) the division is necessary or desirable for the more efficient use of the land concerned in a manner consistent with the zone objectives

(C) It involves an adjustment of existing title boundaries.

The subject land is not located within Rural Policy Area 5 or Precinct 18 Rural Fringe and, as such, the proposal is a *Non-Complying* kind of development. Given that the development is *Non-complying*, the CDAP resolved to proceed with an assessment at its meeting on 15 December 2014.

5.2 Public Notification

Section 38(2)(a) of the Development Act (1993) states that a Development Plan or the Development Regulations (2008) may assign different forms of development to a Category for the purposes of public notification.

Further, the Development Act (1993) also states that the Regulations or a Development Plan may assign a form of development to Category 1 or to Category 2 and if a particular form of development is assigned to a category by both the Regulations and a Development Plan:

- If the Regulations provide that an assignment by a Development Plan may prevail, the assignment provided by the Development Plan will, to the extent of any inconsistency, prevail; but
- In any other case, the assignment provided by the regulations will, to the extent of any inconsistency, prevail.

The division of land is not listed within Council's Development Plan as either Category 1 or Category 2 development. As such, one must turn to the Regulations to assign a Category.

Schedule 9 of the Regulations excludes *Non-Complying* development from assignment as Category 1 or Category 2 development under Parts 1 and 2.

This development is therefore assigned as Category 3 for public notification and, subsequently, the application has been placed on Public Notification following the Panel's resolution to proceed with an assessment at the 15 December 2014 meeting.

Seven (7) adjacent properties were notified and no representations were received in objection to the development.

5.3 Statutory Referrals

As part of the land division process, the Development Assessment Commission (DAC) has referred this application to the following government agencies: SA Water Corporation; Department for Planning, Transport and Infrastructure (DPTI) - Transport Services Division; SA Power Networks; and Electranet. The responses were as follows:

- SA Water has requested standard conditions be applied and advisory notes;
- DPTI (Transport Services Division) recommended a change in the width of Right of Way 'B' to facilitate car parking on site;
- SA Power Networks provided a standard agency response;
- Electranet provided advisory notes only; and
- the DAC has requested that standard conditions be applied.

5.4 Delegation

The CDAP does not have delegation to grant consent under Section 33 (1)(c) of the Development Act (1993) in relation to a proposed division of land that requires that certain requirements be satisfied. The CDAP does have delegation to grant a Development Plan Consent (Section 33(1)(a) of the Act) and should this Development Plan Consent be granted by the CDAP, and following the granting of concurrence from the Development Assessment Commission, consent(s) under Section 33 (1)(c) will be granted by Council staff, to whom delegation has been given.

6. Key Issues

The following matter is considered pertinent in reaching a recommendation for the proposal:

- Whether the allotment to be created can be used for its intended purpose.

7. Planning Assessment

7.1 Suitability of the Allotments for their Intended Purpose

It is important to note that the Primary Production Zone in the Development Plan does not have a Desired Character statement. Notwithstanding, the Development Plan is clear in its intention to promote horticulture/agriculture uses in this area.

There is a section on Form and Character in the Zone Section of the Development Plan, of which only three (3) of the Principles of Development Control (PsDC) apply.

PDC 13 states:

“An access way of at least 3 metres in width should be provided to allow access for emergency vehicles to the rear of each allotment.”

PDC 14 states:

“Buildings should not detract from the rural character of the locality in terms of built form elements and should:

(a) have a maximum building height of 6 metres

(b) be setback a minimum of 15 metres from a public road.”

PDC 15 states:

“A setback of at least 2 metres should be provided around all structures to allow access for weed and fire control.”

The proposed land division provides an access way of 3 metres to allow access as required in PDC 13, all of the buildings are at more than 15 metres from the public road and no greater than 6 metres high as required in PDC 14 and a setback of 2 metres or more has been established between all structures.

Under the Land Division section in the Primary Production Zone, PDC 20 states:

*“Land, except where located within **Precinct 18 Rural Fringe** of the **Urban Buffer Policy Area 6**, should not be divided unless no additional allotments are created.”*

Due to the current land use on proposed Lot 3, this area is rendered unsuitable for horticultural activity in conjunction with the Zone provisions.

The proposal does not comply with this PDC; however, there are supporting Objectives and PsDC in the General Section of the Development Plan.

The subject land lays within Precinct 17 Horticulture, which deals with intensive animal keeping being at least 1 kilometre from the Residential, Township, Rural Living and Suburban Neighbourhood Zones and Rural Policy Area 5. As this application does not deal with intensive animal keeping, the Precinct provisions do not apply.

The following objectives support the proposal to divide the land:

Objective 2 - Land division that creates allotments appropriate for the intended use.

Council has over the past 15 years approved various developments on this property, including a Buddhist community centre, a verandah, a toilet block and associated on-site waste water system, a statue, fencing and gates and a monument and garden shed. Proposed Lot 3 contains all of the development associated with the existing religious facility.

In reality, the buildings connected with the religious facility and their curtilage already operate in complete isolation of the balance of the existing allotment.

Proposed Lot 4 separates the horticultural activities from the religious ones and the land division will assist both parties in securing viability for the future, as each will be granted a separate title and their own autonomy.

There is no change to the current land use envisaged. The creation of the additional allotment and the excision of the religious facility from the horticulture use will normalise the existing circumstances. Each land use will continue without change and the proposal will therefore create allotments appropriate for their intended use.

Objective 3 - 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.

The land division will not impact on the amenity of the locality as the public realm will be unaffected. The only changes will be internal, as some of the buildings must be fire-rated to comply with the provisions of the Building Code of Australia. Also, the on-site waste water system will be relocated to an appropriate position south of the toilet block on proposed Lot 3. There are two existing accesses to the property and these will remain unchanged.

The intended land use for each proposed allotment will not impose any additional burden upon the existing infrastructure or transport network. The landscape and environmental features are in place and there is no expected additional impact upon the adjacent land uses. Therefore, it can be argued that the land division is integrated with the existing site features.

Objective 4 - Land division restricted in rural areas to ensure the efficient use of rural land for primary production and avoidance of uneconomic infrastructure provision.

The horticultural structures are the dominant use on the subject land and almost cover the balance of the site at the rear of the existing dwelling and the temple. The horticulture business is identified as an envisaged use in the Zone and, hence, the proposal satisfies Objective 4.

There is also an argument that the religious activity on the same parcel of land could prejudice the future viability of the horticulture use in the future, as it may limit funding opportunities for expansion or improvement.

Approval for development associated with the religious facility on the site has been granted by Council over a period of many years. The temple community also needs to ensure the viability of their land use and the approval for the division of the land will give both parties economic stability in the future.

Although a land division which creates any additional allotments is *Non-complying* under the Development Plan in this zone, there will be no visible change in the character of the locality and it is reasonable to conclude that the granting of Development Plan Consent for the proposal is warranted.

8. Conclusion

The division of land to excise the religious facility from the horticulture use is unlikely to cause any impact upon the amenity of the locality, as the religious facility already exists and there will be no intensification of the use by virtue of this division.

Although the use is a *Non-Complying* kind of development, there is support in the Development Plan to divide one allotment into two for the specific reason of creating individual titles for the two separate land uses.

The division will give both parties independence, giving them a stake in their viability for the future.

Despite the fact that a land division which creates an additional allotment is *Non-Complying* under the Development Plan, it is a reasonable outcome in the circumstances of this application and the granting of a Development Plan Consent for this proposal warrants support. Accordingly, it is recommended that the Panel resolve to grant Development Plan Consent to the application.

9. Recommendation

STAFF RECOMMENDATION

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

- A. DETERMINES that the proposed development is not seriously at variance with the policies in the City of Playford Development Plan; and
- B. GRANTS Development Plan Consent to the application by Quan Am Temple Incorporated to divide the land so as to create one additional allotment at Lot 199 Angle Vale Road Hillier, as detailed in Development Application No. 292/D036/14 subject to the concurrence of the Development Assessment Commission, and subject to the following conditions and advisory note:

Conditions:

1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 292/D036/14 except where varied by any reserved matters or condition(s) listed below:

Condition Pursuant to Section 33 (1)(a):

1. The on-site waste water system associated with the Toilet Block must be located within the allotment of the development that it will service (proposed Lot 3).

Advisory Note

1. An application for the relocation of the existing on-site waste water system associated with the existing Toilet Block is required to be lodged, as per page 17 of Planning Solutions SA's Statement of Effect dated January 2015.

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SHEET 2 OF 2

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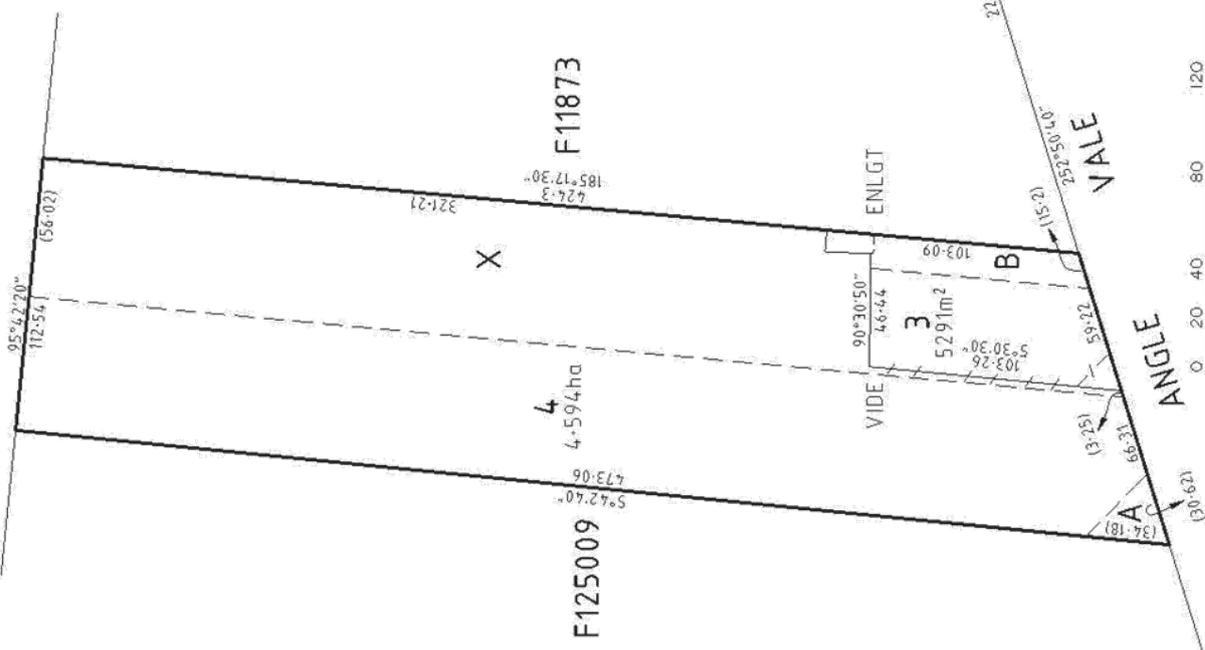
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TOTAL AREA:



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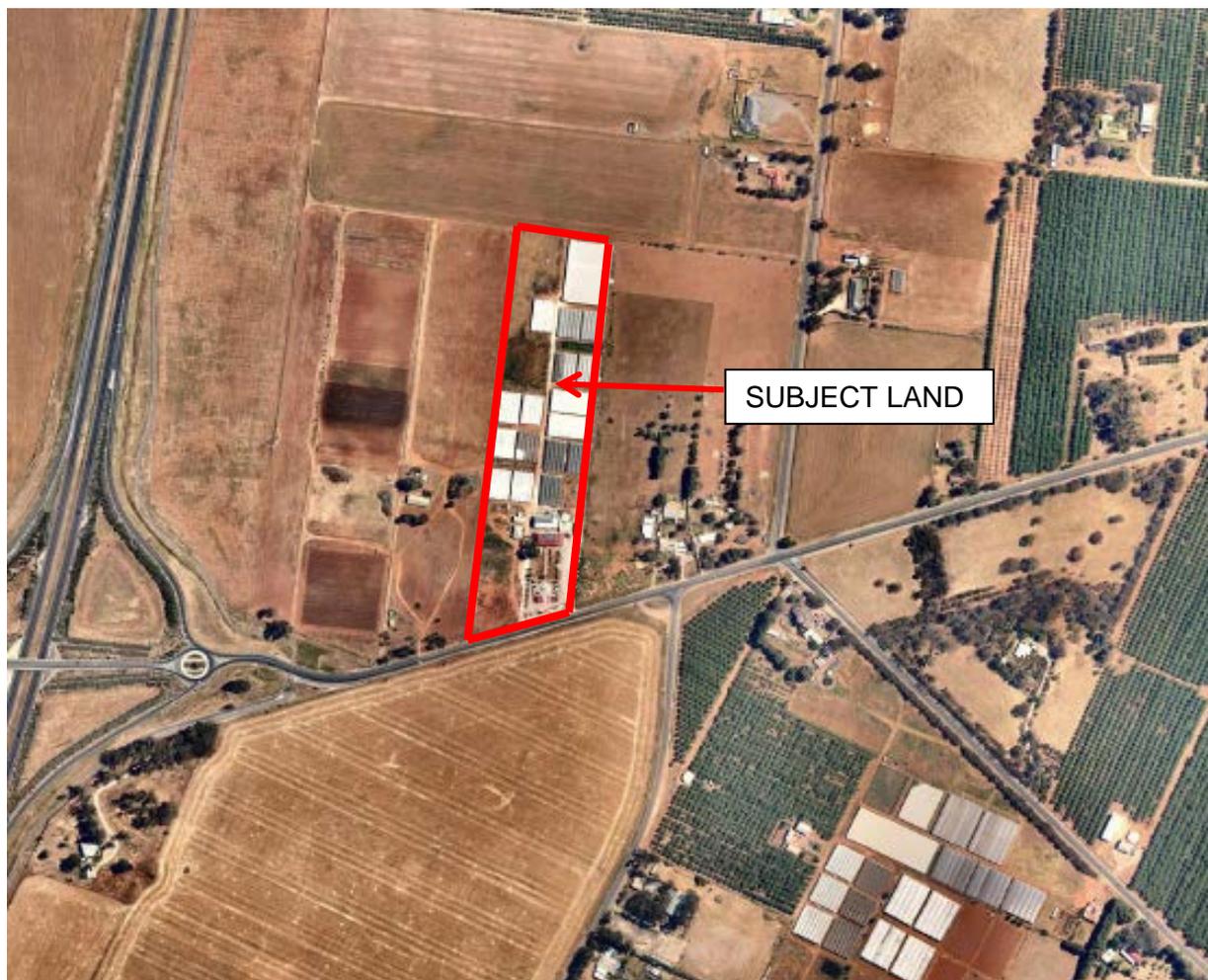
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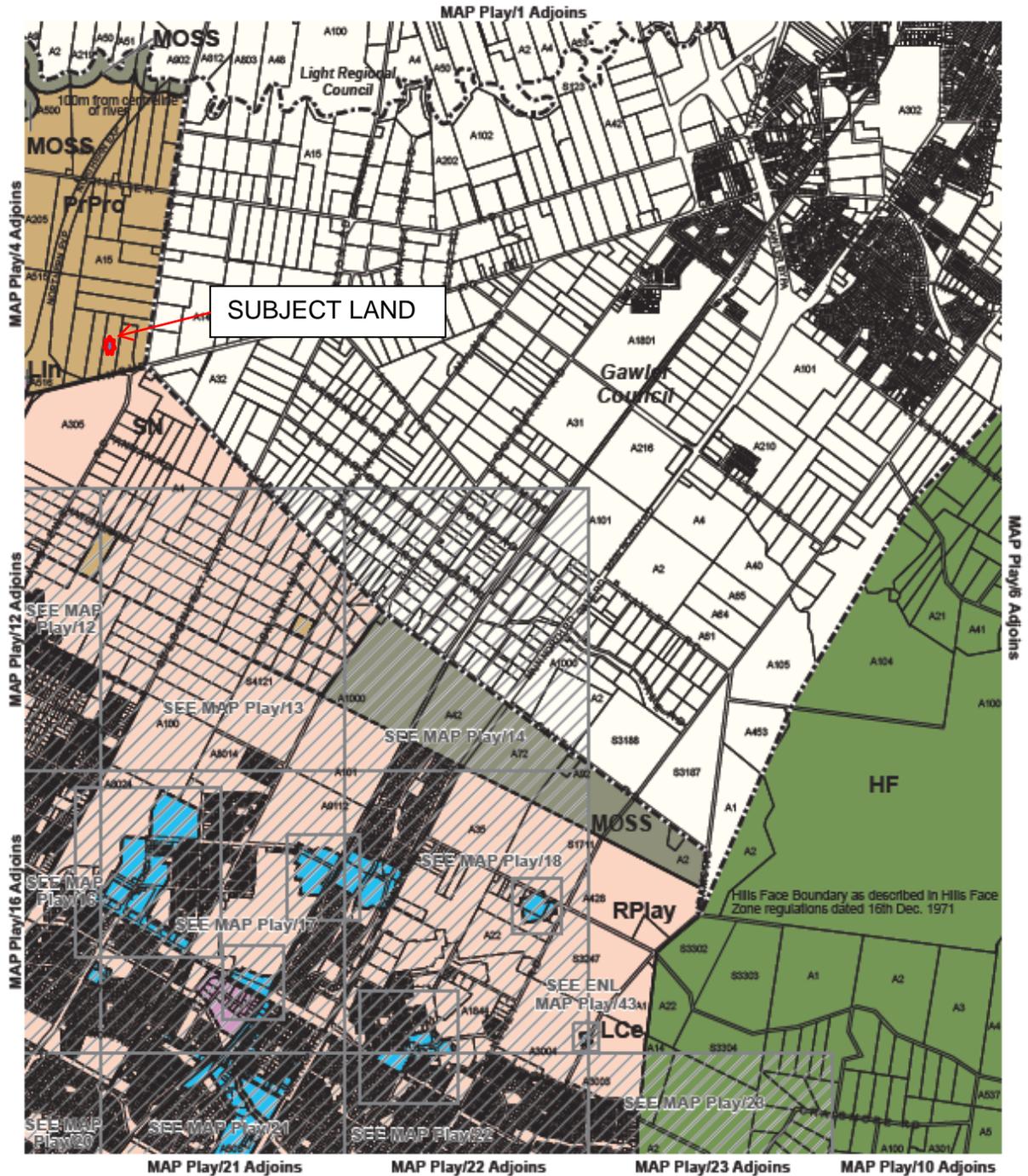
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REF: C159/13

Aerial View of Subject Land and Locality



Zone Map – Primary Production



See enlargement map for accurate representation.
Lamberts Conformal Conic Projection, GD494

- Zones**
- HF Hills Face
 - LIn Light Industry
 - LCe Local Centre
 - MOSS Metropolitan Open Space System
 - PrPro Primary Production
 - RPlay Residential Playford
 - SN Suburban Neighbourhood
 - Zone Boundary
 - Development Plan Boundary



Zone Map Play/5

Overlay Map Play/5 - Transport



- Primary Arterial Roads
- Secondary Arterial Roads
- - - - - Development Plan Boundary

Overlay Map Play/5

TRANSPORT

PLAYFORD COUNCIL
Consolidated - 20 March 2014

STATEMENT of EFFECT

Land Division creating 1 new allotment from 1 existing
allotment, Hundred of Munno Para, Angle Vale Road
in the area named
HILLIER SA

Prepared for the
Congregation Quan Am Temple Incorporation

January 2015



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1.0 Legislative Requirements:

Planning Solutions (SA) Pty Ltd has been engaged to act for the Applicant (Congregation Quan Am Temple Incorporation) for a land division that creates 1 additional allotment from 1 existing allotment has been deemed to be 'non-complying'.

The subject land has a total area of 5.122 hectares and is identified in Certificate of Title Volume 5429 Folio 747. The registered proprietors in fee simple are two (2), with each proprietor having 1 undivided 2nd part. The subject land is located in the Primary Production Zone and Precinct 17 Horticulture of the Playford Council Development Plan (20 March 2014 – consolidation)

Council has previously received and considered a brief Statement of Support prepared by Planning Solutions SA Pty Ltd that outlined the nature of the proposed development. At the regular DAP Meeting held on 15 December 2014, Council confirmed acceptance of the Statement of Support and Council resolved to proceed with further assessment of the application pursuant to Regulation 17(3)(b) of the *Development Regulations 2008*.

This Statement of Effect has been prepared in accordance with Regulation 17(5) of the *Development Regulations 2008*, which requires the Statement of Effect to include the following:

- (a) *a description of the nature of the development and the nature of its locality; and*
- (b) *a statement as to the provisions of the Development Plan which are relevant to the assessment of the proposed development; and*
- (c) *an assessment of the extent to which the proposed development complies with the provisions of the Development Plan; and*
- (d) *an assessment of the expected social, economic and environmental effects of the development on its locality; and*
- (e) *any other information specified by the relevant authority when it resolves to proceed with an assessment of the application (being information which the relevant authority reasonably requires in the circumstances of the particular case)*

and may include such other information or material as the applicant considers supports the proposal.

In preparing this Statement of Effect, I have:

- *I have viewed the 'subject land' and its locality;*
- *I have considered the nature of the proposal in detail;*
- *I have considered the impact that the proposal may have on the adjoining landowners considering that the immediate locality is also zoned the same, as the subject land and development within the locality are activities that are of a primary production nature.*
- *I have considered the existing land uses within the Zone with particular reference to the existing land uses verses the land uses envisaged by the zone policy provisions.*
- *I have considered the proposal against the relevant General Module and Zone provisions, contained in Council's current Development Plan (20 March 2014 - consolidation)*

2.0 Proposal:

The proposal seeks support from Council's CDAP to continue with further assessment of the proposed land division which creates one (1) additional allotment from one (1) existing allotment.

Existing Allotment details:

- Allotment 199 – area of approximately 5.121 hectares (12.655 acres);

Proposed allotments:

- Allotment 3 – area of 5311m² and
- Allotment 4 – area of 4.590 hectares (11.342 acres)

3.0 Subject Land and Locality:

The 'subject land' is located approximately midway between the western periphery of the Gawler township and the eastern periphery of the township of Angle Vale. The 'subject land' is also located near the recently renamed Fatchen Expressway.

The land which is the subject of the proposed land division is formally described as Allotment 199, FP 163167 in the Hundred of Munno Para in an area known as Hillier and is contained within the Certificate of Title Volume 5429 Folio 747 (a copy of the Certificate of Title is attached in Appendix 'B').

The subject land is owned by the following:

Allotment 199 - TAN DUC LE of 1 undivided 2nd part of 87 Philip Highway Elizabeth South SA 5112 and QUOC PHUC DUONG of 1 undivided 2nd part of 22 Poplar Road Paralowie SA 5108.

The land which is subject to this application is trapezoidal in shape, comprising of one (1) allotment having a total area of 5.121 hectares (12.657 acres) with consolidated frontage to Angle Vale Road of approximately 125.53 metres..

The topography of the subject land is best described as being 'flat', however the 'subject land' has a gentle slope from north to south. The area that will be contained within proposed new allotment 3 has a consistent gentle slope also from the north to the south.

The immediate locality of the subject land is characterised by allotments of varying sizes and diverse land uses. We have allotments that are vacant and not utilised for agricultural activities, land that is used for cereal cropping, allotments with almond orchards and several allotments that have intensive horticultural activities with multiple glasshouses.

The perimeter of the 'subject land' is predominantly fenced with the traditional rural style fencing, however in the western and southern boundary of proposed allotment 3 have a combination of pool style fencing on the western boundary and a brick decorative fence is located on the southern boundary (refer to photographs attached in Appendix 'A').

4.0 Nature & Classification of the Development:

The proposed land division has been deemed to be 'non-complying' in accordance with Procedural Matters, List of Non-Complying Development listed in the Primary Production Zone, which states:

Development (including building work, a change in use of land, or division of and allotment) for the following non-complying:

Land division

Except where any of the following applies, it is located:

- (a) outside the Rural Policy Area 5 or Precinct 18 Rural Fringe and no additional allotments are created wholly or partly within the zone.*
- (b) within the Rural Policy Area 5 and results in the creation of allotments greater than 4 hectares*
- (c) within Precinct 18 Rural Fringe and achieves one of the following:*
 - (i) results in the creation of allotments greater than ten hectares*
 - (ii) results in the creation of allotments of less than 10 hectares where each allotment has a depth which is more than four times the width of the allotment and one of the following applies:*
 - (A) the allotments were used for horticultural activities*
 - (B) the division is necessary or desirable for the more efficient use of the land concerned in a manner consistent with the zone objectives*
 - (C) It involves an adjustment of existing title boundaries*

Considering exception (a) the proposed land division satisfies the requirement of being outside both the Rural Policy Area 5 or Precinct 18 Rural Fringe as the 'subject land' is entirely contained within the Precinct 17 Horticulture. However, the proposed land division creates one additional allotment and therefore the exemption is not satisfied and the land division is deemed to be a non-complying form of development within the Primary Production Zone.

As the proposed land division proposes to create the following allotments:

- Allotment 3 (approximately 5311m²); and
- Allotment 4 (approximately 4.590 hectares)

The current landowners of the subject land have expressed their support for the proposed plan of division with an additional free and unrestricted right of way being granted over portion of new allotment 3, shown as 'B'. Access to portion of newly created allotment 4, shown as 'X' can also be gained via a 3.000 metre wide access off Angle Vale Road. The 3.000 metre wide access is parallel to the existing fence that forms the western boundary of proposed allotment 3.

It should be noted that procedurally, a non complying form of development is more difficult to obtain approval compared to a complying or merit application, the designation of non-complying status *does not* however mean that an activity is inappropriate. As such the intent of the Zone, Objectives and Principles of the Zone and Precinct policy provisions of the Development Plan as a whole must be carefully considered.

After consideration by Council Planning staff, the application for the creation of 1 additional allotment from 1 existing allotment has been determined to be a Category 3

kind of development for the purposes of public notification as defined by Schedule 9 of the *Development Regulations 2008*.

5.0 Existing Built Form on the Subject Land:

At the time of preparing this Statement of Effect, allotment 3, which will be created as a result of the proposed land division will contain the following infrastructure which has been approved over 15 years by the Playford Council.

- 1999 - A **Statue** was approved by the City of Playford, via DA 292/128/199 (refer to photograph 3 **attached** in Appendix 'A');
- 2003 - '**Buddhist Community Centre**' was approved by the City of Playford, via DA 292/1040/2003 (refer to photograph 4 and 5 **attached** in Appendix 'A');
- 2005 - '**Verandah and Toilet Block**' was approved by the City of Playford, via DA 292/1541/2005 (refer to photograph 9 **attached** in Appendix 'A')
- 2010 - '**Fencing and Gates**' was approved by the City of Playford, via DA 292/1380/2010 (refer to photograph 6, 7 and 8 **attached** in Appendix 'A'); and
- 2012 - '**Monument and Garden Shed**' was approved by the City of Playford, via DA 292/43/2012 (refer to photograph 11 and 12 **attached** in Appendix 'A').

This Statement of Support will demonstrate how a land division application for the creation of one (1) additional allotment from one (1) existing allotment containing the infrastructure listed above is worthy of Council support to proceed for further assessment, even though the proposed land division is deemed to be a non-complying form of development within the Primary Production Zone and Precinct 18 Horticulture.

6.0 Zone and Precinct Intent:

The 'subject land' is located within the Primary Production Zone and also Precinct 17 Horticulture as indicated on Zone Map Play/5 and also Precinct Map Play/5 a copy of both Maps have been **attached** in Appendix 'E' of this document.

The main objective of the Zone is to promote policy that promotes the economically, efficient and environmentally sustainable primary production. Allotment 199, that is the subject of the proposed land division is used for horticultural purposes and contains a substantial number of glasshouses for the effective and efficient production of horticultural products.

The dominant land use on the 'subject land' is horticulture, which is identified in PDC 1 for the Zone which nominates 'horticulture' as an envisaged land use within the Zone. Also within the zone, land divisions are supported within Precinct 18 Rural Fringe of the Urban Buffer Policy Area 6, however in general land divisions should not be divided, unless no additional allotments are created. If one looks at this proposal, which is a land division that creates one (1) additional allotment from one (1) existing allotment, then the land division is at variance with the policy for the zone.

However, if a closer look is taken, particularly at the existing land uses then the 'subject land' is used for two very diverse and opposing land uses - that of horticulture which is envisaged in the zone and the other being a place of worship. The size of the building elements, the building orientation, building decoration, colour and type of materials are all prescriptive and are essential and have inherent spiritual meaning for the Buddhist faith and also to the community.

Approval over a period of some 15 years has seen all of the infrastructure, detailed in Section 1 of this document approved by the City of Playford, will be entirely contained within proposed allotment 3 and therefore it must be assumed and acknowledged that this type of land use (place of worship) is a land use that is supported by the City of Playford in the Primary Production Zone.

Due to the two very diverse land uses that exist on the 'subject land' (allotment 199) it is necessary that there is a degree of ownership and long term tenure over the existing infrastructure associated with the existing Quan Am Temple to ensure the members of the community who attend worship have some assurance that they will be able to continue in the future. This assurance can only be given if the land on which the existing infrastructure is contained on a separate allotment in the ownership of the Congregation of the Quan Am Temple Incorporated.

The proposed land division is purely to assign ownership and will have no impact on the existing land uses as those land uses exist currently and will continue in the same manner when the land division is granted Development Plan and Land Division Consent.

As for Precinct 17, there is no policy that has an impact on the proposed land division.

If we look at the more General policy provision contained in Council Development Plan (20 March 2014 - consolidation) with particular focus on the 'General Land Division Module' we find the following that supports the proposed land division.

Objective 2 *Land division that creates allotments appropriate for the intended use.*

Allotment 3, which will be created as a result of the proposed land division will contain all of the existing infrastructure approved over the last 15 years and is associated with the Quan Am Temple. The new allotment will be solely created to provide ownership of the existing infrastructure associated with the existing place of worship and will be used for no other purpose. The remainder of the original allotment will continue to be used for horticultural activities.

Therefore Allotment 3 will be an allotment that is appropriate for the intended use and therefore complies with the Objective listed above.

Objective 4 *Land division restricted in rural areas to ensure the efficient use of rural land for primary production and avoidance of uneconomic infrastructure provision.*

New allotment 3, which will contain the Quan Am Temple and associated buildings, statue, monument, gates and fencing, including on-site carparking area has never been used for horticultural activities and as such the creation of the proposed allotment will not reduce the current area of allotment 199 that is used for horticultural activities. The newly created allotment will not require the upgrading of existing infrastructure to the existing Quan Am Temple as the services to that facility are stand alone. The newly created allotment, purely provides ownership for the Congregation of the Quan Am Temple to provide longevity into the future.

The proposed land division is deemed to comply with the Objective listed above.

PDC 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 an existing or proposed public road*
- (c) the intended use of the land would require excessive cut and fill*
- (d) the intended use, or the establishment of that use, is likely to lead to undue erosion of the subject land or land within the locality*

- (e) *the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development*
- (f) *the intended use of the land would be contrary to the zone objectives*
- (g) *any single allotments are created that sit within more than one zone.*

As indicated above, new allotment 3 is of a size and shape to suit the intended use for the newly created allotment.

New allotment 3 has frontage to Angle Vale Road which is an existing public road and the access to the new created allotment will be via the existing access point off Angle Vale Road and the proposed land division does not require the creation of any additional access points of Angle Vale Road. Access to the undivided portion of land owned by QUOC PHUC DUONG will be via a right of way that will be created over new allotment 3 (refer to proposed plan of division **attached** in Appendix 'C' of this document for the location of the proposed right of way)

The intended use for the newly created allotment 3 exists and there is no requirement for any cut and fill to be carried out as the allotment has a gentle slope over the 'subject land' that falls from the northern end of the allotment to Angle Vale Road. Considering all of the necessary infrastructure exists for the satisfactory operation of the Quan Am Temple, there is no requirement for excessive cut and fill operations and along with the existing topography of the site there will be no erosion of the site nor land within the immediate locality.

The existing Toilet Block is connected to an existing Aerobic Waste Water Control System, as indicated in photograph 10 of Appendix 'A'. This waste control system will unfortunately be too close to the proposed northern boundary of new allotment 3 and as such will need to be relocated to the south of the existing toilet block. There is ample room available for the current system to be relocated and will be approved and installed as part of Council's Conditions of Approval, should the land division be supported.

Whilst the proposed land division has been deemed to be a non-complying form of development the intended use for newly created allotment 3, may be contrary to the objectives of the Primary Production Zone, but the intended use, which already exists is supported by Council as the existing infrastructure which forms part of the Quan Am Temple has been approved by Council, in incremental stages over a period of 15 years. In addition, proposed new allotments 3 and 4, which will be created as part of the proposed land division will lie entirely within the Primary Production Zone and will not straddle any other zone boundary.

It is therefore deemed that the proposed land division complies with the principle of development control listed above.

PDC 27 *Rural land should not be divided if the resulting allotments would be of a size and configuration likely to impede the efficient use of rural land for any of the following:*

- (a) *primary production*
- (b) *value adding industries related to primary production*
- (c) *protection of natural resources.*

PDC 28 *Rural land should not be divided where new allotments would result in any of the following:*

- (a) *fragmentation of productive primary production land*
- (b) *strip development along roads or water mains*
- (c) *uneconomic costs to the community for the provision of services*
- (d) *prejudice against the proper and orderly development of townships*

(e) removal of native vegetation for allotment boundaries, access roads, infrastructure, dwellings and other buildings or firebreaks.

The proposed land division, which is the creation of one (1) additional allotment from one (1) existing allotment will see the separation of two very different and diverse land uses that currently exist on the 'subject land'. The new created allotment 3, which will contain all of the existing infrastructure associated with the operations of the Quan Am Temple. This land for the last 15 years has not been used for horticultural activities, while the remainder of the subject land has been and will continue to be used after the proposed land division. It is reasonable to state that the land contained in allotment 3 has not been used for horticultural activities and therefore the proposed land division will not remove land that is used for primary production purposes.

It is also deemed that the proposed land division will not require the upgrading of existing public utilities, thus imposing uneconomic costs to the existing rural community, nor will the proposed land division require the removal of any existing native vegetation as the land is devoid of native vegetation nor will the proposed land division prejudice the proper and orderly development of the townships of both Gawler or Angle Vale in the future, due to the distance of the subject land is away from both townships.

It is therefore deemed that the proposed land division complies with the principles of development control listed above.

7.0 Social, Economic & Environmental Effects:

7.1 Social Impact:

The proposed development will not have any negative social impacts on the 'rural' community.

7.2 Economic Impact:

The area of the 'subject land' on which the existing temple and associated infrastructure is located has not been used for primary production or horticultural activities for at least the last 15 years, since the City of Playford commenced approving development associated with the existing temple.

Additional economic benefit has been gained in the short term through the purchase of building materials from local building material outlets and in the longer term as members and visitors that have come to worship at the new facility have generally supported local business houses, thus providing additional economic benefit.

7.3 Environmental Impact:

The construction of the proposed single storey detached dwelling will have no negative environmental impact on the environment due to the following aspects:

- ✚ Minimal cut & fill has been required to allow for the construction of the existing built form that has been approved by Council over the last 15 years.
- ✚ Stormwater run-off from the area of the allotment that has over the last 15 years been developed by the Temple and other infrastructure by harvesting the rainwater run-off from some of the buildings and the remainder of the run-off used for irrigation of the garden associated with the temple.
- ✚ Provision of an 'all weather' access to the proposed carparking area and adjacent temple will also provide access for emergency service vehicles, should they be required;
- ✚ The selected colour scheme for the proposed building is finished with non-reflective finishes and materials and as such will not impact on users of the Angle Vale Road or the northern expressway;
- ✚ The existing waste water disposal system associated with the existing Toilet facilities will be relocated prior to the issuing of the Section 51 clearance so that the system is adequately located from the boundaries of the proposed new allotment.
- ✚ The proposed development does not require the removal of any trees or native vegetation within the subject land.

8.0 Conclusion:

Notwithstanding the non-complying assignment of the application it is considered that the proposed development is not seriously at variance with the relevant provisions of the Development Plan for the following reasons:

- The approach to the assessment of a 'non-complying' kind of development is no different from the assessment of any other kind of development;
- The proposed allotment sizes that will result from the proposed land division are deemed to be adequate to achieve the intended use for each allotment.
- The proposed land division will formally separate two existing and very diverse land uses and should the land division not be supported, then those existing land uses will continue in their current form without any impact on the existing qualities of the existing rural environment.
- Proposed new allotment 3 is currently serviced by approved waste control systems connected to the existing toilet facilities, which will be relocated as a result of the proposed land division and as such will not create any public health risks under the Public and Environmental Health Act 1987.
- The proposed development is adequately serviced by public infrastructure and it has been demonstrated that there is an adequate water supply available to each allotment for their intended use.
- The proposed land division provides the safe and efficient movement of traffic to and from the existing road network abutting the subject land.
- The orderly nature of the development in its location.
- The proposed land division creates 1 allotment from an existing allotment, thus separating two very independent and diverse land uses, which will continue as they currently are after the proposed land division, but will provide some ownership to the Congregation of Quan Am Incorporated to ensure the existing use continues in the future.
- The proposed development will not prejudice the attainment of the key policy provisions of the Zone in order to achieve the intended use considering the infrastructure on proposed allotment 3 has been supported and approved by Council over a period of 15 years.

In my opinion, the proposed land division, whilst creating one additional allotment, does not remove existing land used for primary production activities, provides ownership to the Congregation of Quan Am Temple and contains sufficient merit to grant Development Plan Consent.



Trevor V White
Managing Director
MURP MPIA Grad Cert Bldg & Planning, Dip Bus

APPENDIX A

(Site Photographs)



PHOTOGRAPH No.1

DESCRIPTION: Photograph taken of the existing access point to proposed allotment 3 which will contain all of the existing infrastructure associated with the Congregation Quan Am Temple Incorporated that has been approved by the City of Playford over the past 15 years.

Photograph provided by Planning Solutions (SA) Pty Ltd – 25 January 2014



PHOTOGRAPH No.2

DESCRIPTION: Photograph taken looking in a westerly direction along Angle Vale Road towards the Northern Expressway for the existing access point to proposed allotment 3.

Photograph provided by Planning Solutions (SA) Pty Ltd – 25 January 2014

**PHOTOGRAPH No.3**

DESCRIPTION: Photograph taken showing the existing Statue that was approved by the City of Playford in 1999, via Development Application 292/128/1999. This was the first piece of infrastructure approved for the existing Quan Am Temple that exists on the 'subject land'

Photograph provided by Planning Solutions (SA) Pty Ltd – 25 January 2014

**PHOTOGRAPH No.4**

DESCRIPTION: Photograph taken showing the pathway and entrance to the existing Quan Am Temple that exists on the 'subject land' and approved by the City of Playford via DA 292/1040/2003.

Photograph provided by Planning Solutions (SA) Pty Ltd – 25 January 2014



PHOTOGRAPH No.5

DESCRIPTION: Photograph taken showing the pathway and entrance to the existing Quan Am Temple that exists on the 'subject land' and approved by the City of Playford via DA 292/1040/2003.

Photograph provided by Planning Solutions (SA) Pty Ltd – 25 January 2014



PHOTOGRAPH No.6

DESCRIPTION: Photograph taken showing the Gates and Fencing to the existing Quan Am Temple that exists on the 'Subject Land' and was approved by the City of Playford via DA 292/1380/2010.

Photograph provided by Planning Solutions (SA) Pty Ltd – 25 January 2014



PHOTOGRAPH No.7

DESCRIPTION: Photograph taken showing the Gates and Fencing to the existing Quan Am Temple that exists on the 'Subject Land' and was approved by the City of Playford via DA 292/1380/2010.

Photograph provided by Planning Solutions (SA) Pty Ltd – 25 January 2014



PHOTOGRAPH No.8

DESCRIPTION: Photograph taken showing the existing fencing that will form part of the western boundary of proposed allotment 3. Fencing was approved via DA 292/1380/2010.

Photograph provided by Planning Solutions (SA) Pty Ltd – 25 January 2014

**PHOTOGRAPH No.9**

DESCRIPTION: Photograph showing the existing Toilet and Verandah that will be contained within new allotment 3. This facility was approved by the City of Playford via DA 292/1541/2005.

Photograph provided by Planning Solutions (SA) Pty Ltd – 25 January 2014

**PHOTOGRAPH No.10**

DESCRIPTION: Photograph taken showing the existing Waste Water Control System that is associated with the existing Toilet and Verandah approved by Council in 2005. This waste water control system will be located too close to the northern boundary of proposed allotment 3 and as such will be relocated to a suitable position on the southern side of the existing toilet block.

Photograph provided by Planning Solutions (SA) Pty Ltd – 25 January 2014



PHOTOGRAPH No.11

DESCRIPTION: Photograph taken showing the existing monument that will also be contained within proposed allotment 3. The monument and a garden shed was approved by the City of Playford, via Development Application 292/0043/2012.

Photograph provided by Planning Solutions (SA) Pty Ltd – 25 January 2014



PHOTOGRAPH No.12

DESCRIPTION: Photograph taken showing the existing Garden Shed that will also be contained within proposed Allotment 3 and was approved as part of DA 292/0043/2012.

Photograph provided by Planning Solutions (SA) Pty Ltd – 25 January 2014

APPENDIX B

(Certificates of Title)



Title Register Search

LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1885

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5429 FOLIO 747 *

HOST : \$18.00 (GST exempt)	PARENT TITLE : CT 3367/49
REGION : GROUND FLOOR, L.T.O. - LGHP12	AUTHORITY : CONVERTED TITLE
AGENT : GRFL BOX NO : 000	DATE OF ISSUE : 25/06/1997
SEARCHED ON : 13/01/2010 AT : 12:26:58	EDITION : 3

REGISTERED PROPRIETORS IN FEE SIMPLE

TAN DUC LE OF 1 UNDIVIDED 2ND PART OF 87 PHILIP HIGHWAY ELIZABETH SOUTH SA
5112 AND QUOC PHUC DUONG OF 1 UNDIVIDED 2ND PART OF 22 POPLAR ROAD
PARALOWIE SA 5108

DESCRIPTION OF LAND

ALLOTMENT 199 FILED PLAN 163167
IN THE AREA NAMED HILLIER
HUNDRED OF MUNNO PARA

EASEMENTS

SUBJECT TO THE EASEMENT OVER THE LAND MARKED A TO THE E.T.S.A. CORPORATION (T
1998910)

SCHEDULE OF ENDORSEMENTS

NIL

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

REGISTRAR-GENERAL'S NOTES

NIL

END OF TEXT.

Page 1 of 2

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.

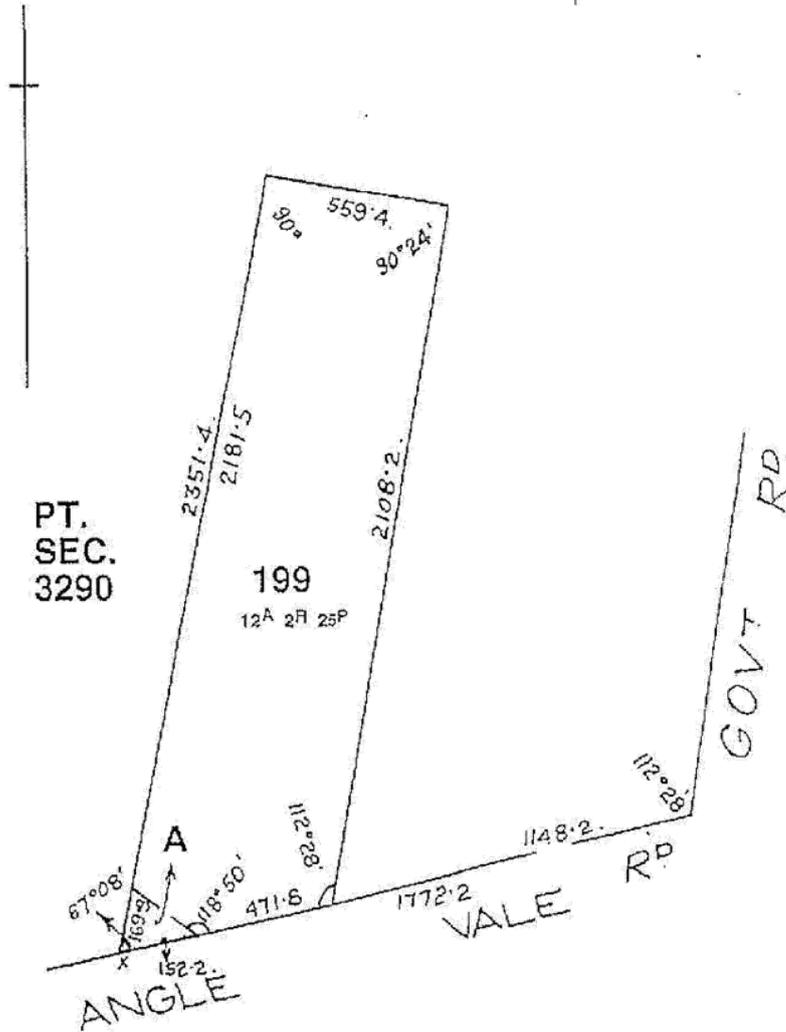


LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA

DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5429 FOLIO 747

SEARCH DATE : 13/01/2010 TIME: 12:26:58

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 3367/49
SEE TITLE TEXT FOR EASEMENT DETAILS



FOR METRIC CONVERSIONS	
1 LINK	= 0.201168 METRES
1 CHAIN	= 100 LINKS
1 ACRE	= 0.404688 HECTARES
1 ROOD	= 1011.7 m ²
1 PERCH	= 25.29 m ²

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION

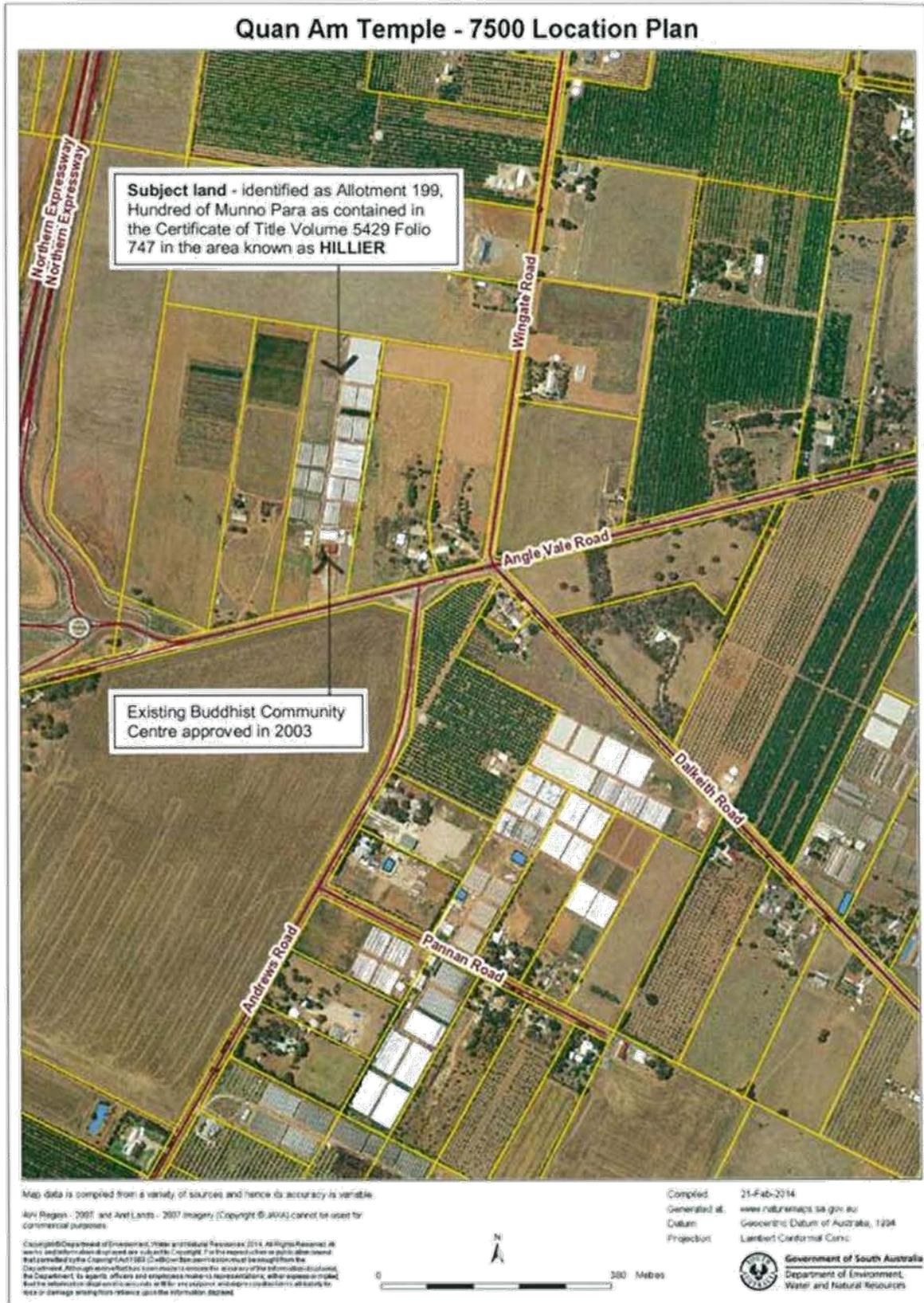
APPENDIX C

(Plan of Land Division)

PURPOSE: DIVISION MAP REF: 6628/12/H LAST PLAN:	AREA NAME: HILLER COUNCIL: CITY OF PLAYFORD DEVELOPMENT NO:	APPROVED: DEPOSITED/FILED:	SHEET 1 OF 2 D V01				
AGENT DETAILS: KEVIN BURGESS & ASSOCIATES ACN 065 192 277 46 SECOND AVENUE ST PETERS 5049 PH(08) 8362 6555 MOBILE 0428 697 091 EMAIL: kevinburgess@bigpond.com AGENT CODE: K8U7P REFERENCE: C59/13							
SURVEYORS CERTIFICATION: I AM A LICENSED SURVEYOR NO 865 182 827 29 MITCHELL ST CRYSTAL BROOK SA 5523 PH(08) 8634 2830 DATE: 23/03/14							
SUBJECT TITLE DETAILS: PREFIX VOLUME FOLIO OTHER PARCEL CT 5429 747 ALLOTMENT(S)							
NUMBER 199 PLAN F NUMBER HUNDRED / IA / DIVISION 163167 MURINDI PARIA TOWN REFERENCE NUMBER							
OTHER TITLES AFFECTED: EASEMENT DETAILS:							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXISTING	4	LONG	EASEMENT(S)	A		TRANSMISSION LESSOR CORPORATION (SUBJECT TO LEASE 906/5901 OF 1 UNDIVIDED 2ND PART AND ELECTRANET PTY LTD OF 1 UNDIVIDED 2ND PART PORTION 4 MARKED X.	T1993910
NEW	3	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	B			
ANNOTATIONS:							

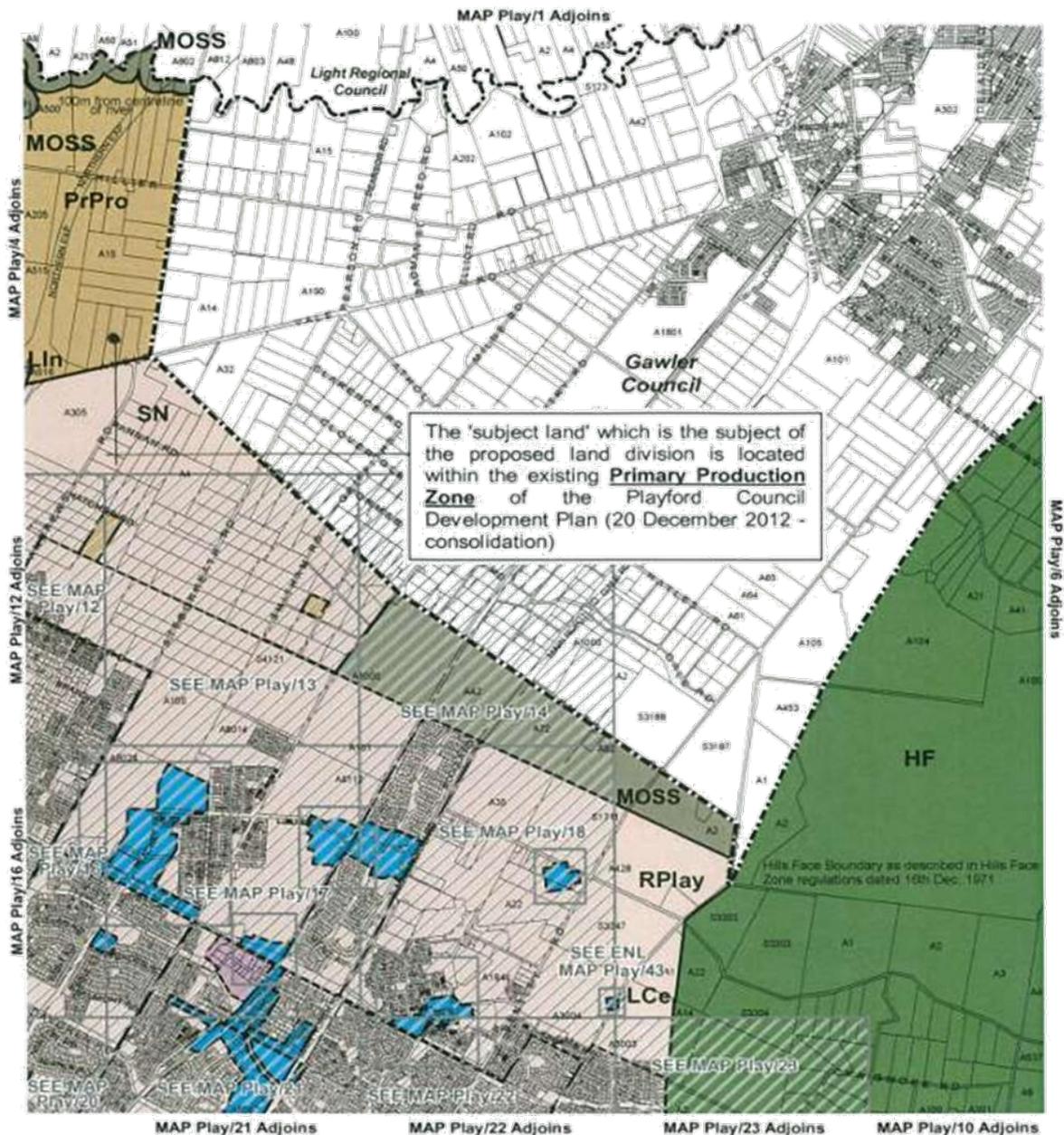
APPENDIX D

(Aerial Photograph)



APPENDIX E

(Existing Zone and Policy Area Maps)



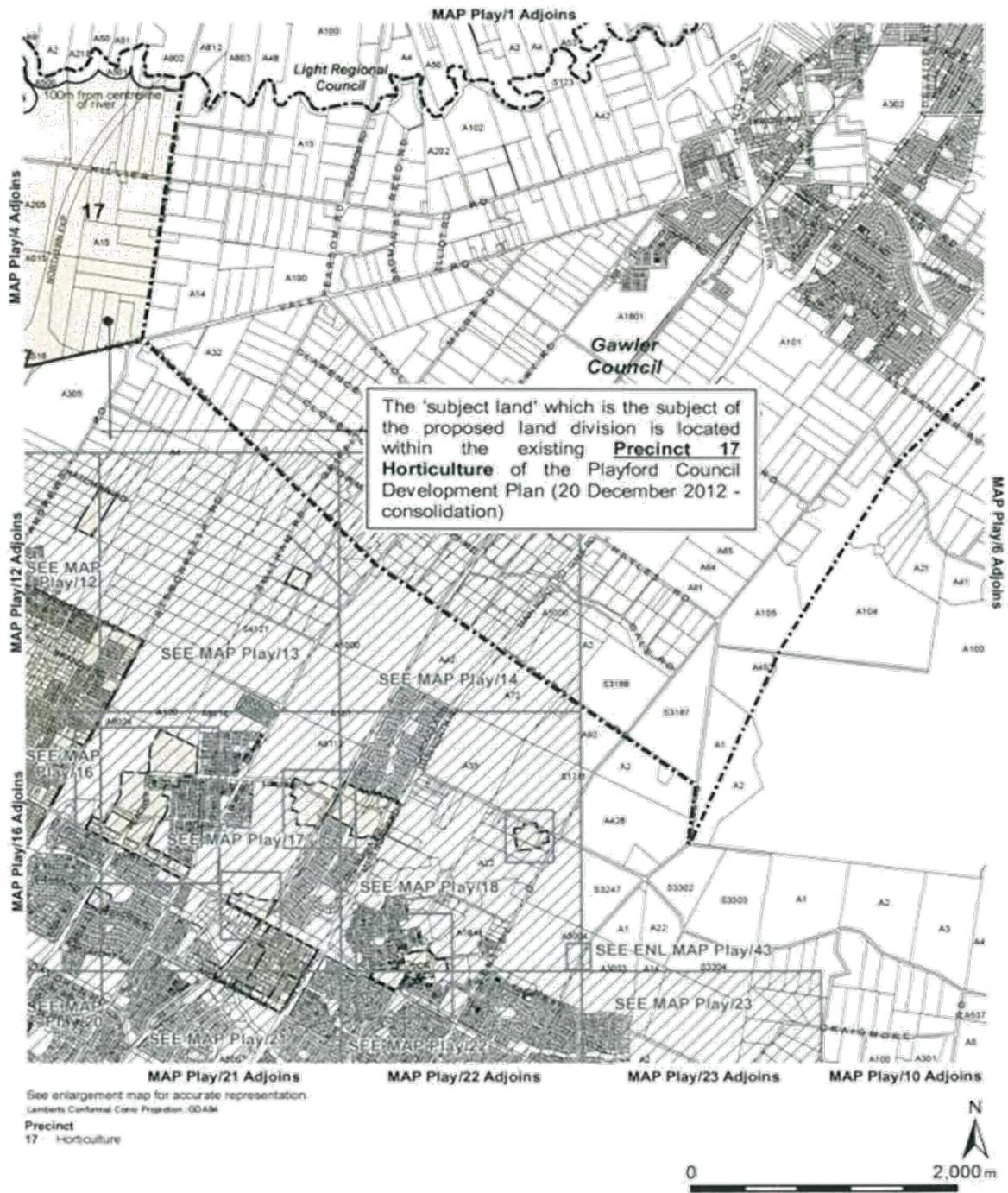
See enlargement map for accurate representation.
Lambert Conformal Conic Projection, GDA94

- Zones**
- Hills Face
 - Light Industry
 - Local Centre
 - Metropolitan Open Space System
 - Primary Production
 - Residential Playford
 - Suburban Neighbourhood
 - Zone Boundary
 - Development Plan Boundary



Zone Map Play/5

PLAYFORD COUNCIL
Consolidated - 20 March 2014



Precinct Map Play/5

Precinct Boundary
 Development Plan Boundary

PLAYFORD COUNCIL
 Consolidated - 20 March 2014