27 February 2020

State Planning Commission
Att: Mr Michael Lennon
Chairperson, State Planning Commission
DPTI.PlanningReformSubmissions@sa.gov.au

Dear Mr Lennon

City of Mitcham Response – Draft Planning and Design Code

The City of Mitcham would like to thank you for the opportunity to provide comment on the draft Planning and Design Code – Phase 3, Urban Areas. I would like to preface this letter and Council’s submission in acknowledging the significance of the Planning and Design Code in the new system and the extent of work undertaken by the DPTI Planning Reform Team and the State Planning Commission in the delivery of this body of work.

The broader introduction of the Planning, Development and Infrastructure Act 2016 is a significant shift for planning in South Australia. For most Councils, the Code represents a ‘like-for-like’ translation of existing local planning rules into the Code. For the City of Mitcham, there are aspects of the transition that go further than a simple translation and may result in changes to our City and for our residents.

The planning reforms represent an opportunity to protect aspects of our built environment that are important to the Council and its community. Our Council remains concerned about the approach taken in relation to Heritage and Character and that it may result in an unreasonable loss of localised policies that have been well refined under the current system.

In addition to this, the City of Mitcham would like to take this opportunity to identify the following key Issues in our response to the draft Code:

- General zoning policy and translation;
- Historic Areas and State Heritage Areas;
- Protection of the Mitcham Hills environment;
- Residential in-fill policies;
- Retention of trees and vegetation; and
- Hazard mapping and associated policies.

These key issues and a more detailed response to the content of the draft Planning and Design Code are contained in the submission attached to this correspondence.

The City of Mitcham supports the Bill introduced by the Honourable Stephan Knoll MP to delay the implementation date of the Code. This will enable a greater opportunity for the Commission to further engage with Council and the community in relation to these issues and to allow an opportunity for further familiarisation of the Code content once it has been incorporated within the platform it was designed to be used within.
Council recommends that that the Code is not applied within the City of Mitcham until such time that:

- The State Planning Commission has fully engaged with Council to address the recommendations outlined within the submission.

- The State Planning Commission has undertaken a further round of public consultation on the draft Planning and Design Code that includes the first round of post-consultation changes integrated within the ePlanning system.

- A comprehensive learning and development program has been developed in consultation with local government and implemented with all Councils and relevant authorities.

We would be pleased to receive confirmation as to whether our comments and feedback result in any decisions to amend the Code, and we look forward to continuing to work closely with you in the delivery of South Australia’s new planning system.

Yours sincerely

Dr Heather Holmes-Ross
MAYOR
CITY OF MITCHAM
CONSULTATION RESPONSE TO THE
DRAFT PLANNING AND DESIGN CODE
FEBRUARY 2020
Please note that the City of Mitcham submission has been based on the consultation material that was released on the 1 October 2019 and the Historic Area Statements released on the 21 December 2019.

The City of Mitcham has not provided comments based on the updated Classification Tables document that was released on the 21 December 2019.
Part 1. Proposed Zoning

Zoning

“Zones are the primary organising layer of the Code. All land within South Australia will be included within a Zone.

Zones set out policies and rules primarily relating to the land use, land use intensity and built form characteristics (such as building setbacks and height) that are anticipated for an area – in effect ‘what’ can happen in an area.

Zones will also identify envisaged land uses and the relevant assessment criteria, as well as procedural matters (including assessment pathways), public notification, requirements and, where relevant, referrals.

Local variations cannot be included within a Zone. Any variation to a zone is achieved through the application of an overlay or subzone. The standardisation of zones is a key feature of many interstate systems and add to the legibility and simplicity of the system”

**Legend**

- ✗ Concerns regarding proposed zone
- ✓ Zoning generally correct, with Council recommendations
- ✓ Zoning generally correct

**CURRENT DEVELOPMENT PLAN ZONE** | **CURRENT DEVELOPMENT PLAN POLICY AREA** | **PLANNING & DESIGN CODE ZONE** | **CITY OF MITCHAM RESPONSE**
--- | --- | --- | ---
Commercial (Coromandel Parade) | Suburban Business and Innovation | ✗ | Refer to page 31
Commercial (Main Road) | Suburban Business and Innovation | ✗ | Refer to page 31
Commercial (South Road) | Suburban Employment | ✓ | 
District Centre | Community Facilities and Suburban Activity Centre | ✗ | Refer to page 18 and page 24
General Industry | Employment | ✓ | 
Hills Face | Hills Face | ✓ | 
Historic (Conservation) - Belair Village | Suburban Neighbourhood | ✗ | Refer to page 14
Historic (Conservation) - Mitcham Village | Suburban Neighbourhood | ✓ | 
Industry/Commerce (Melrose Park) | District Centre Fringe Policy Area 14 | Suburban Employment | ✓
Industry/Commerce (Melrose Park) | Industry/Commerce Interface Policy Area 13 | Employment | ✓
Industry/Commerce (Melrose Park) | | Employment | ✓
Institutional | Community Facilities | ✗ | Refer to page 18
Light Industry | Suburban Employment | ✓ | 
Local Centre | Suburban Activity Centre | ✗ | Refer to page 24
Metropolitan Open Space System (Recreation) | Policy Area 3 - Open Space (Recreation) | Open Space | ✓ | Refer to page 22
Metropolitan Open Space System (Recreation) | Policy Area 4 - Open Space (Farming until Area 2 developed) | Open Space | ✓ | Refer to page 22
Metropolitan Open Space System (Recreation) | Policy Area 5 - Open Space (Farming up to 2002) | Open Space | ✓ | Refer to page 22
Metropolitan Open Space System (Recreation) | Policy Area 6 - Open Space for immediate addition to Sturt Gorge Recreation Park. | Open Space | ✓ | Refer to page 22
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<th>PLANNING &amp; DESIGN CODEZONE</th>
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<td>× Refer to Page 7</td>
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<td>Local Shopping Precincts</td>
<td>Suburban Main Street</td>
<td>× Refer to Page 7</td>
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<td>State Heritage Area (Colonel Light Gardens)</td>
<td>Major Public Parks</td>
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<tr>
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Colonel Light Gardens – State Heritage Area

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<th>CURRENT APPROACH</th>
<th>PLANNING &amp; DESIGN CODE RESPONSE</th>
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Colonel Light Gardens is currently located within the Zone: State Heritage Area (Colonel Light Gardens).

The primary objectives of the Zone seek the heritage value and integrity of the original garden suburb design of Colonel Light Gardens be conserved and reinforced. Development should consist of detached dwellings, together with various community and commercial activities that reflect the original land use intent of the garden suburb design.

The Development Plan contains 10 pages of Policies directly related to the State Heritage listed suburb including contextual information as to the origins of its development, its heritage value and its existing and desired character.

Regard is also had through the assessment of applications for other Council endorsed policies and management plans including:

- Heritage Conservation Management Plan;
- Colonel Light Gardens Technical Data Sheets; and
- Community Land Management Plans for all reserves.

Any development within the Zone requires a statutory referral to the Minister delegated to Heritage SA who utilise the Colonel Light Gardens – State Heritage Area: Guidelines for development and Development Plan in their assessment.

The State Heritage Area of Colonel Light Gardens has been split into three Zones to reflect the anticipated land uses within the suburb;
- Suburban Neighbourhood,
- Open Space; and
- Suburban Main Street.

The area is covered by a State Heritage Area overlay that triggers a statutory referral to the Minister for Heritage. The State Heritage Area overlay contains generic Performance Outcomes as a result of it covering all State Heritage Areas across the State that display very different characteristics.

From a community and developer perspective the Code does not clearly indicate what is suitable development within the area. Council and Heritage SA will be responsible for providing information from documented sources completely separate to what is contained within the Code.

The heritage value of the suburb is diluted as a result of it being split across three different Zones. Whilst the State Heritage Overlay will take precedence over the Zone requirements, from a community perspective it is confusing and dilutes the importance of the suburb as a whole.

A TNV layer has been incorporated that nominates a two-storey and 9 metre height restriction in this area. In most cases, two-storey development is inappropriate for the area (unless contained within a roof form). The
Importantly, the Development Plan provides a number of Principles of Development Control that clearly indicates to the community and developers what is acceptable in terms of design and siting of proposed development within the Area.

**Exclusions from definition of development**

Schedule 3A of the Development Regulations 2008 outlines acts and activities specifically within Colonel Light Gardens that are not development.

**Non-Complying Applications**

Some key development types are listed as non-complying including:

- Residential Flat Buildings;
- Semi-detached Dwellings;
- Shops outside of Policy Area 3;
- Land Division creating additional allotments; and
- Development involving vehicular access to a laneway except in certain situations.
- Plus others

Information that is available to the community misrepresents what would be considered appropriate development within the area.

A number of unique forms of development currently listed as non-complying within the Development Plan are either not covered by appropriate policy (access via the laneways) or considered appropriate for the Suburban Neighbourhood Zone (land division, shops and various forms of dwellings). It will be extremely unclear for the community what is appropriate development within the Zones proposed.

It appears that Colonel Light Gardens is currently structured in a similar fashion as to how the proposed Neighbourhood Zones are intended to function – primarily residential, with small scale office, shops, consulting and open space to support the needs to the local community. It may not be necessary to split the Suburb across multiple Zones within the Code based on existing land uses.

**Exclusions from definition of development**

Schedule 5 of the POI Regulations outlines acts and activities that are not development for State Heritage Areas.

1. **State Heritage listed Areas should be contained within a new Zone: State Heritage Area Zone with each area being located within a separate subzone to reflect local variation and to ensure Performance Outcomes reflect those attributes that have resulted in them being of State significance.**

2. **Development Policies for individual State Heritage Areas should be included within the Code and easily available to the public.**

3. **If the above approach is not adopted by the State Planning Commission, at a minimum, there should be the inclusion of State Heritage Area Statements as part of the Planning and Design Code to assist the public and planning professionals in understanding attributes of historical significance within State Heritage Areas. State Heritage Statement could be incorporated in a similar manner as Character Area and Historical Area Statements have been applied.**

4. **Use of the Limited Land Division Overlay over Colonel Light Gardens to ensure retention of the original subdivision pattern designed by Charles Reade.**

5. **Refinement of the TNV overlay to better reflect the current requirements of the State Heritage Area particularly in relation to height and number of storeys.**

**OPPORTUNITIES FOR IMPROVEMENT**

**SUPPORTING MATERIAL**

- Refer also to Council's comments in relation to the State Heritage Area Overlay on page 37
- Refer to comments in relation to the TNV overlay contained on page 71
## General Neighbourhood

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<tr>
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<tr>
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<tr>
<td>Residential (Craigburn)</td>
<td>Policy Area 1, 2 &amp; E</td>
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### Current Approach

**Residential (Central Plains) Zone**

Residential (Central Plains) Zone currently covers most of the Residential areas of Mitcham Council located on the Plains. The Zone contains six (6) policy areas that reflect desired characteristics (design, density and amenity) of the different areas. These are reinforced by strong Desired Character Statements and Policy Area specific Principles of Development Control.

*Policy Area 11* - Portions of the Zone adjacent to the Belair Road and Cumberland Park District Centres, some areas of St Mary’s adjacent Daws Road and a unit development on Ayliffes Road are contained within this policy area. This policy is one of the only existing residential zones that contemplates medium density given their proximity to services and facilities. Seeks a minimum allotment size of 350m².

*Policy Area 12* was created to provide as a buffer area for dwellings constructed within an area between the existing Industry/Commerce Zones of Melrose Park and the remainder of the residential areas to the east. Land division is generally not supported in the Policy Area. An increase to residential density adjacent to land uses is not encouraged as a result of potential impacts to residential amenity and potential conflicts between land uses.

**Residential (Craigburn) Zone**

The Residential (Craigburn) Zone includes all sites associated with the master-planned suburb known as ‘Blackwood Park’.

### Planning & Design Code Response

The Residential (Central Plains) – Policy Area 11, 12 and the Residential (Craigburn) Zone have been transitioned to the General Neighbourhood Zone which contemplates:

> "low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of a diversity of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity”

On this basis the General Neighbourhood is considered to be a good fit for the existing properties located within the Residential (Central Plains) Policy Area 11 and Residential (Craigburn) Zone.

It is not considered to be the most appropriate zone for Residential (Central Plains), Policy Area 12.

Council recommends that:
- Residential (Central Plains) Policy Area 12 is transitioned to Suburban Neighbourhood with TNV overlays to reflect those nominated for Policy Area 10.

**Allotment Sizes and Frontages**

The General Neighbourhood Zones does not have a TNV overlay to reflect local variations and are prescribed a standardised minimum allotment size, frontage, and heights as follows:

- Minimum allotment size for detached dwelling = 300m², row dwelling = 200m², group dwelling 300m², residential flat building is 300m².
- Minimum frontage for detached dwelling = 9m, semi-detached = 9m, row dwelling = 7m,
Whilst the Residential (Craigburn) Zone contemplates smaller allotment, there are a number of site constraints including:

- Slope of land; and
- A number of existing and significant trees that impact on building envelopes.

**Allotment Sizes and Frontages**

- Detached and semi-detached dwellings = 300m²
- Row or group dwellings = 240m²
- Residential Flat Buildings = 200m²

**Land Use**

The General Neighbourhood reflects the low to medium-density and character of existing areas, however a number of non-residential uses that are currently listed as non-complying uses with the Development Plan are actually contemplated under the Code including offices, consulting rooms and shops.

**Public Notification**

There are a number of triggers for publicly notified development including:

- Site of development is adjacent to land in a different zone;
- Development involving the creation of four or more additional dwellings or allotments; or
- Applications where development exceeds 9 metres.

### OPPORTUNITIES FOR IMPROVEMENT

1. Residential (Central Plains) Zone, Policy Area 12 is recommended to be transitioned to Suburban Neighbourhood Zone in lieu of the General Neighbourhood Zone to allow TNV and to reinforce the low-density character of the area. This will assist in mitigating potential impacts between the different land uses.

2. Additional policies should be included in relation to more tightly control and limit non-residential development within the Zone. It is inappropriate that shops, offices and consulting rooms of up to 100 square metres can be established within primarily residential areas with no public notification or restricted development triggers. This has the potential to impact on residential amenity and detracts from the intent and purpose of Centre zones.

3. It is recommended that a buffer overlay be established to be applied over sensitive land uses and interfaces to ensure that there are appropriate policies built into the Code to appropriately deal with interface issues.

### SUPPORTING MATERIAL

N/A
Residential Neighbourhood

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**CURRENT APPROACH**

**Residential (Hills) Zone**

The majority of Residential sites within the Mitcham Hills are currently located in the Residential (Hills) Zone of Council.

**Current Policy**

The primary objectives of the Zone contemplate development comprising detached dwellings on large allotments that maintains and enhances the natural vegetation and features of the Mount Lofty Ranges.

The Desired Character Statement provides detailed guidance on:
- Character
- Topography and vegetation
- Bushfire Protection
- Subdivision.

The Principles of Development Control provide appropriate guidance in relation to siting and design of development within the Zone.

Most non-residential uses are listed as a non-complying use within the Zone.

**Bushfire Protection**

Much of the Mitcham Hills are located within Medium and High Bushfire Risk areas. This presents additional challenges in relation to siting of buildings and provision of dedicated water supplies to satisfy the requirements of the Ministers Code for Undertaking Development in Bushfire Prone Areas and CFS requirements.

**Earthworks and Sloping Land**

All sites located within the Residential (Hills) Zone is captured by the requirements of Schedule 2 of the Development Regulations 2008, in that earthworks exceeding 9 cubic metres is development.

**PLANNING & DESIGN CODE RESPONSE**

The Residential (Hills) Zone has been transitioned to the Residential Neighbourhood Zone which contemplates:

"low to very low-density housing and low-rise buildings with large outbuildings. Easy access and parking for cars. Considerable space for trees and other vegetation around buildings, as well as on-site waste-water treatment where necessary. Limited goods, services and facilities that enhance rather than compromise rural residential amenity."

On this basis the Residential Neighbourhood Zone is considered to be a good fit for the existing Residential (Hills) Zone.

**Land Use**

The Residential Neighbourhood reflects the low-density and landscaped character of the area, however a number of non-residential uses that are currently non-complying are also contemplated including offices and shops.

**Public Notification**

There are a number of triggers for publicly notified development including:
- Site of development is adjacent to land in a different zone;
- More than one dwelling per allotment;
- Buildings exceeding 2 building levels or 9 metres;
- Shops, offices and consulting rooms exceeding 250m² where located on a collector or higher order road;
- Shop, office and consulting rooms greater than 100m²
- Development that does not comply with setback requirements.

Sites within the Zone are subject to a number of overlays to address certain constraints and risks that exist within the Hills area including:
- Sloping land overlay
- Bushfire Protection
- Native Vegetation
Allotment Size and Frontage

Minimum allotment sizes are based on the slope of the land. As the site becomes steeper, the minimum allotment size and frontage required becomes greater. This has proved an effective way of maintaining appropriate allotment sizes within the Hills.

Semi-detached and residential flat buildings are generally not appropriate unless located close to the District Centre of Blackwood.

Allotment Size and Frontage

The TNV overlay for the Residential (Neighbourhood) has not carried over the existing requirements that is based on the slope of the land. A standard requirement of 1200m² is required for an allotment with a 12-metre frontage.

Earthworks

Schedule 3 of the POI regulations states that:

Schedule 3—Additions to definition of development

Note—The acts or activities set out in this Schedule constitute development.

1—Excavation or filling in identified zones or areas

1. Any excavating or filling (or excavating and filling) of land in a zone or area identified under the Planning and Design Code for the purposes of this clause which involves the excavating or filling (or excavating and filling) of a volume of material which exceeds 9 m³ in total, but not including the excavating of filling (or excavating and filling) of land—

(a) incidental to the ploughing or tilling of land for the purpose of agriculture; or

(b) incidental to the installation, repair or maintenance of any underground services; or

(c) on or within a public road or public road reserve; or

(d) in the event of an emergency in order—

(i) to protect life or property; or

(ii) to protect the environment where authority to undertake the activity is given by or under another Act.

The Planning and Design Code nominates the following areas where excavation and filling are considered development including:

- Hills Face Zone
- Significant Landscape Protection Overlay
- Hazard (Acid Sulfate Soils) Overlay
- Sloping Land Overlay.

The sloping land overlay applies to only a small portion of properties that currently are afforded protection through the existing Residential (Hills) zoning. The Sloping Land overlay is inconsistently applied.

OPPORTUNITIES FOR IMPROVEMENT

1. Improved mechanism to recognise sloping land within the Hills to restrict extent of earthworks able to be undertaken and to improve consistency between sites. The Residential Neighbourhood Zone and other Zones located within the Mitcham Hills should be included within Part 5—Designated Areas for the purpose of ensuring that earthworks (excavation or filling, excavation and filling) within these Zones are treated as development as they are currently within Schedule 2 of the Development Regulations 2008 to ensure a more direct translation.

2. Additional policies should be included in relation to more tightly control and limit non-residential development within the Zone. It is inappropriate that shops, offices and consulting rooms of up to 100 square metres can be
3. Amendments to the TNV overlay is required to ensure the current requirements in relation to minimum allotment sizes and frontages are established based on the gradient of the site.

4. The existing Residential (Hills), Policy Area 17 and the Historic (Conservation) Zone – Belair Village should be transitioned to the Residential Neighbourhood Zone in lieu of Suburban Neighbourhood Zone. This is considered to better reflect the unique character of the Hills environment and represents a more like-for-like translation of the existing zoning.

5. The creation of an additional overlay based on SA water data that clearly identifies properties that are not connected to sewer. Anecdotally property owners can be unaware that their properties are connected to sewer or are serviced by on-site waste control systems. The SA Water mapping is a useful tool for identifying this.

**SUPPORTING MATERIAL**

- Refer to comments related to Sloping Land Overlay on page 54
- Refer to comments in relation to the TNV overlay contained on page 70
Suburban Neighbourhood

<table>
<thead>
<tr>
<th>CURRENT DEVELOPMENT PLAN ZONE</th>
<th>CURRENT DEVELOPMENT PLAN POLICY AREA</th>
<th>PLANNING &amp; DESIGN CODE ZONE</th>
<th>CITY OF MITCHAM RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historic (Conservation) - Belair Village</td>
<td>N/A</td>
<td>Suburban Neighbourhood</td>
<td>Recommend – Residential Neighbourhood</td>
</tr>
<tr>
<td>Residential (Hills)</td>
<td>Policy Area 17</td>
<td>Suburban Neighbourhood</td>
<td>Recommend – Residential Neighbourhood</td>
</tr>
<tr>
<td>Historic (Conservation) - Mitcham Village</td>
<td>N/A</td>
<td>Suburban Neighbourhood</td>
<td></td>
</tr>
<tr>
<td>Residential (Blackwood Urban)</td>
<td>Historic (Conservation) Policy Area 15</td>
<td>Suburban Neighbourhood</td>
<td></td>
</tr>
<tr>
<td>Residential (Central Plains)</td>
<td>Policy Area 10</td>
<td>Suburban Neighbourhood</td>
<td></td>
</tr>
<tr>
<td>Residential (Central Plains)</td>
<td>Policy Area 8</td>
<td>Suburban Neighbourhood</td>
<td></td>
</tr>
<tr>
<td>Residential (Central Plains)</td>
<td>Policy Area 9</td>
<td>Suburban Neighbourhood</td>
<td></td>
</tr>
<tr>
<td>Residential (East Plains)</td>
<td>Policy Area 7</td>
<td>Suburban Neighbourhood</td>
<td></td>
</tr>
<tr>
<td>Residential (East Plains)</td>
<td>Suburban Neighbourhood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential (Foothills)</td>
<td>Suburban Neighbourhood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Heritage Area (Colonel Light Gardens)</td>
<td>Suburban Neighbourhood</td>
<td>Alternative zone/approach Required</td>
<td></td>
</tr>
</tbody>
</table>

**CURRENT APPROACH**

Residential (Central Plains) Zone currently covers the majority of the Residential areas of Mitcham Council located on the Plains. The Zone contains six (6) policy areas that reflect desired characteristics (design, density and amenity) of the different areas. These are reinforced by strong Desired Character Statements and Policy Area specific Principles of Development Control.

Through the amendments to the Development Regulations in 2008, some of these residential areas (predominately in Policy Area 8 and 10) were identified as being a prescribed “Residential Code” area which provided greater flexibility in terms of dwelling design, and allotment sizes. In some areas this has resulted in a significant change of character and impacts on amenity as a result of poorly designed in-fill development.

**PLANNING & DESIGN CODE RESPONSE**

The Residential (Central Plains), (East Plains), (Foothills), (Blackwood Urban) and Historic Conservation Zones has been transitioned to the Suburban Neighbourhood Zone which contemplates:

“low or very low-density housing that is consistent with the existing local context and development pattern. Services and community facilities will contribute to making the neighbourhood a convenient place to live without compromising residential amenity and character”

TNV overlays are used across the Suburban Neighbourhood Zones to reflect existing minimum allotment size, frontage etc nominated within the Development Plan. On this basis the Suburban Neighbourhood is a good fit for most of the zones on the Mitcham Plains and Foothills.
Policy Area 9 has a strong desired character statement and Principles of Development Control that preserve the strong character evident in the policy area. Much of the housing stock in the area has retained important characteristics that provide a high-level of amenity for the City and is worthy of retention.

Policy Area 10, is another low-density area of the Mitcham plains that historically represented dwellings and streetscapes of a modest yet pleasant character. This policy area is currently largely covered by ‘Residential Code’ requirements. Due to the size and frontage of the original subdivision pattern, allotments have been proven suitable for small-scale in-fill development.

The Residential (Central Plains) Zone generally contemplates development comprising primarily detached dwellings that complements prevailing streetscapes at a low-density character.

A range of non-residential uses within the Residential (Central Plains) Zone are considered to be “non-complying”.

East Plains

The Residential (East Plains) Zone incorporates the suburbs Urrbrae, Springfield and some areas of Netherby. The properties within the East Plains Zone are located on larger allotments with large 2 or 3 storey homes. The area is enhanced by the proximity of open space associated with the Hills Face Zone.

Residential (Foothills)

The Zone is characterised by two main features:
- Topography of the land; and
- Housing stock in good condition constructed in the 1960s and 1970s.

Due to the slope of the land, development needs to be carefully considered to ensure there are no unreasonable impacts to the amenity of adjoining properties.

Minimum allotment sizes and frontages are based on the slope of the land. As the slope increases, so do the required site areas and frontages.

Residential (Hills) – Historic (Conservation) Policy Area 17

The Adey Road Historic (Conservation) Policy Area is a reasonably new addition to the City’s Development Plan. The sites within this area were previously located within the standard Residential (Hills) Zone. The sites, whilst more conventional in size and shape share other characteristics of the Residential (Hills) Zone, namely:

It is not considered to be the most appropriate zone for a few of the areas outlined within the transition table. Council recommends that:
- Historic (Conservation) – Belair Village and Residential (Hills) – Policy Area 17 is transitioned to Residential Neighbourhood; and
- An alternative approach is considered for State Heritage Area (Colonel Light Gardens).

Allotment Sizes and Frontages

A TNV overlay is therefore applicable within this area to reflect the unique differences that exist between policy areas and Zones. The current TNV’s listed in the Code require some refinement to ensure that they accurately reflect the requirements of Council’s Development Plan.

Land Use

The Suburban Neighbourhood reflects the low-density and character of the area, however a number of non-residential uses that are currently non-complying are also contemplated including offices, consulting rooms and shops.

Public Notification

There are a number of triggers for publicly notified development including:
- Site of development is adjacent to land in a different zone;
- Development involving the creation of four or more additional dwellings or allotments; or
- Applications where development exceeds 9 metres.

Residential Code

The Residential Code will no longer be in operation. Residential and in-fill design policies are generally improved and will facilitate greater retention of street trees, stormwater management and design to benefit the community.

However, as a consequence, minimum allotment sizes for sites within the Suburban Neighbourhood Zone will revert to the more stringent requirements of the Development Plan.

Residential (Central Plains) Policy Area 9.

This policy area has a distinct character that has been largely retained through a strong Desired Character statement and policies. In order to achieve a more
• Slope of the land;
• Trees / vegetation; and
• Bushfire risk.

Land Division is not generally contemplated.

Historic (Conservation) Zone – Belair Village

The properties associated with Belair Village are located in a separate Zone to the Residential (Hills) Zone as a result of the Heritage value of the area. Historic value of the area aside, the allotments share similar characteristics to other sites located within the Residential (Hills) Zone being:

• Large to very large allotments;
• Sloping topography of the land;
• Trees and vegetation; and
• Bushfire risk.

The distinct difference is that the Historic (Conservation) Belair Village Zone contemplates a mixture of residential and non-residential development.

direct transition to the Code, it is recommended that a Character overlay be applied to this area. Character Area Statements could be developed in conjunction with Council.

OPPORTUNITIES FOR IMPROVEMENT

1. Historic (Conservation) Zone – Belair Village and Residential (Hills) – Historic (Conservation) Policy Area 17 to be transitioned to the Residential Neighbourhood Zone. The Residential Neighbourhood Zone better reflects the Hills environment to which these Zones are located.

2. An alternative Zone or approach for State Heritage Areas be developed to ensure a more direct transition from the existing Development Plan.

3. Residential (Central Plains) Policy Area 9 to be transitioned to Suburban Neighbourhood Zone with an applicable Character Area overlay. The existing Desired Character Statement and policies provide a suitable basis for the creation of a Character Area Statement to be drafted. It is not believed that the transition to a Character Area Overlay for this policy area represents a significant policy change for property owners within this area;

4. Amendments required to the Technical and Numerical Variations (TNV) Overlay to reflect existing requirements, particularly in relation to minimum allotment frontage.

5. Additional policies should be included in relation to more tightly control and limit non-residential development within the Zone. It is inappropriate that shops, offices and consulting rooms of up to 100 square metres (250 square metres on Collector Roads) can be established within primarily residential areas with no public notification or restricted development triggers. This has the potential to impact on residential amenity and detracts from the intent and purpose of Centre zones.

SUPPORTING MATERIAL

• Please refer to comments in relation to Colonel Light Gardens contained on page 7
• Refer to comments in relation to the TNV overlay contained on page 68-69
Urban Renewal Neighbourhood

<table>
<thead>
<tr>
<th>CURRENT DEVELOPMENT PLAN ZONE</th>
<th>CURRENT DEVELOPMENT PLAN POLICY AREA</th>
<th>PLANNING &amp; DESIGN CODE ZONE</th>
<th>CITY OF MITCHAM RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suburban Activity Node</td>
<td></td>
<td>Urban Renewal Neighbourhood</td>
<td>✓</td>
</tr>
</tbody>
</table>

### CURRENT APPROACH

**Suburban Activity Node Zone**

The Suburban Activity Node Zone is a reasonably new addition to the Development Plan. The Zone was included as part of the Ministerial DPA introduced over the Flinders and Bedford Park area in 2018. It covers primarily residential land referred to as the ‘Bedford Park Triangle’.

The Zone seeks to encourage medium to high density supported by compatible (non-residential) land uses. The Zone was supported by way of a Concept Plan (Fig Mit/1) that nominated a ‘core area’ with even higher densities.

A number of numerical requirements are included in the Development Plan that outlines acceptable:

- Floor Areas;
- Densities;
- Building Heights; and
- Private Open Space requirements.

### PLANNING & DESIGN CODE RESPONSE

The Suburban Activity Node Zone has been transitioned to the Urban Renewal Neighbourhood.

The outcome of this Zone is:

"Housing that no longer meets community preferences is replaced with new diverse low-medium rise housing options. Housing density increases, taking advantage of well-located urban land. Employment and community services will improve access to jobs, good and services without compromising residential amenity."

On this basis the Urban Renewal Neighbourhood is considered to be a good fit for the existing Suburban Activity Node Zone. This area is suitable for renewal given the existing quality of housing stock and its proximity to Flinders University.

The existing Concept Plan that was developed for the Southern Innovation Area DPA has not been included within the TNV overlay for the Zone.

### OPPORTUNITIES FOR IMPROVEMENT

1. It is recommended that the Concept Plan contained within Council’s existing Development Plan – Fig Mit/1 is included as a TNV layer.

2. Anticipated buildings heights should be clearly confirmed to be the same as the existing Regional Activity Zone. Higher building forms will present flexibility in development and encourage investment while development adjacent lower density residential areas should scale down as per the existing situation. Amendments to the TNV overlays to include the height restrictions currently outlined in the Suburban Activity Node Zone. Refer to Part 6. Index of TNV

### SUPPORTING MATERIAL

- Refer to comments in relation to the TNV overlay contained on page 69
Community Facilities

<table>
<thead>
<tr>
<th>CURRENT DEVELOPMENT PLAN ZONE</th>
<th>CURRENT DEVELOPMENT PLAN POLICY AREA</th>
<th>PLANNING &amp; DESIGN CODE ZONE</th>
<th>CITY OF MITCHAM RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutional</td>
<td>N/A</td>
<td>Community Facilities</td>
<td>× Needs refinement depending on use of site – refer to supporting material</td>
</tr>
<tr>
<td>Special Use</td>
<td>N/A</td>
<td>Community Facilities</td>
<td>× Needs refinement depending on use of site – refer to supporting material</td>
</tr>
<tr>
<td>District Centre</td>
<td>Policy Area B</td>
<td>Community Facilities</td>
<td>× Recommend – Suburban Activity Centre</td>
</tr>
</tbody>
</table>

**CURRENT APPROACH**

The Development Plan currently has a range of ‘Community Facilities’ located across a range of different zones but more particularly within the following zones:

- Special Uses; and
- Institutional.

The existing Special Uses Zone is designed to accommodate special public and private activities of an institutional or open character.

The Special Uses Zone provides very little guidance as to what a special public or private activity is. However, the zone includes the following areas:

- A.A Bailey Reserve - Clarence Gardens.
- Kingswood Oval.
- Price Memorial Oval – Hawthorn
- St Marys Anglican Church and Cemetery;
- St Marys Oval – "Panther Park"
- St Bernadette’s Primary School
- Hawthorn Oval (Price Memorial Oval)

The Special Uses Zone currently comprises a range of open spaces, playing fields and St Mary’s Anglican Church (State Heritage Place) and a Primary School.

A number of forms of development not associated with the above uses are listed as non-complying i.e. dwelling, office, shop, place of worship, and consulting rooms.

**PLANNING & DESIGN CODE RESPONSE**

Two Zones within Council are proposed to be directly transitioned to the Community Facilities Zone:

- Special Uses; and
- Institutional Zone.

It is also noted that the City of Mitcham Civic Centre and associated train station and library on Belair Road has also been converted to the Community Facilities Zone. These sites are currently zoned as District Centre.

The Community Facilities Zone is designed to accommodate:

- A range of public and private community, educational and health care facilities, including those which are ancillary.
- Development comprises one or more of the following land uses:
  - Consulting Rooms.
  - Educational Establishments.
  - Indoor recreation facility.
  - Office.
  - Place of Worship.
  - Pre-school.
  - Recreation area.
  - Shop.
- A range of low to medium rise buildings.
There are generally areas used for recreational, educational and religious activities that benefit or contribute to a sense of community. It is reasonable for these areas to be included in a more generic Community Facilities Zone.

**Institutional**

The Institutional Zone primarily accommodates public and private activities of an institutional nature. Some of these include:

- Waite Campus – Adelaide University.
- Centennial Park Cemetery.
- The ETSA Substation at 623 to 627 Goodwood Road.
- The Kegworth Street area being retained as open space.
- The Carrick Hill area, including Carrick Hill Mansion which accommodates cultural and recreational activities within landscaped grounds.
- The Eden Hills area which accommodates educational and recreational activities.
- The South Australian Women’s Memorial playing fields.
- Blackwood Forest Reserve being retained as open space.

There are also three privately owned sites at Lot 36 and Lot 101 Riverside Drive Bedford Park and the vacant TAFE site on Goodwood Road located within the Institutional Zone.

The Zone intends to ensure that each of the properties above are retained in a manner that facilitates their ongoing operation.

Both Zones seek that development is undertaken to preserve the open character of the area.

The Community Facilities Zone contains very few opportunities for ‘Accepted’ or ‘Deemed-To-Satisfy’ forms of development.

There are no forms of development listed as restricted.

The majority of applications received for sites within the Community Facilities Zone will require public notification.

The "Mapping Improvements" document released on the SA Planning Portal notes that:

There appears to be little consistency in what is being transitioned to the Community Facilities Zones. The majority of the sites zoned under Councils Development Plan as ‘Special Uses’ contain ovals and facilities used by sporting clubs. It is unclear if Community Facilities is the most appropriate zone for transition.

There appears to be a policy overlap between the Community Facilities, Recreation and Open Space Zones, however the Open Space or Recreation Zones appear to be a better fit to better protect the existing open character of these areas.

**OPPORTUNITIES FOR IMPROVEMENT**

1. Further refinement of the classification tables to provide additional opportunities for contemplated development within the Zone to be assessed as ‘accepted’ or ‘deemed-to-satisfy’.

2. Clearer policies that discourage the use of land within the Zone for commercial uses that are not being used in association with community facilities.
3. It is recommended that DPTI undertake a closer review of individual sites contained within Council’s existing ‘Institutional’ and ‘Special Uses’ Zones to ensure that they are converted to the most appropriate Zone within the Code. Please refer to Table 1 under the Supporting Material heading for further comments and outlines City of Mitcham’s recommendations for individual sites.

4. Amendments required to the Technical and Numerical Variations (TNV) Overlay to reflect existing requirements, particularly in relation to building heights.

**SUPPORTING MATERIAL**

- Refer to comments in relation to the TNV overlay contained on page 74-76

<table>
<thead>
<tr>
<th>ASSOCIATED AREA</th>
<th>CURRENT DEVELOPMENT PLAN POLICY AREA</th>
<th>PROPOSED PLANNING &amp; DESIGN CODE ZONE</th>
<th>CITY OF MITCHAM SUGGESTION</th>
<th>CITY OF MITCHAM RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waite Institute</td>
<td>Institutional</td>
<td>Community Facilities</td>
<td>Community Facilities</td>
<td>✓</td>
</tr>
<tr>
<td>Centennial Park</td>
<td>Institutional</td>
<td>Community Facilities</td>
<td>Community Facilities</td>
<td>✓</td>
</tr>
<tr>
<td>Carrick Hill</td>
<td>Institutional</td>
<td>Community Facilities</td>
<td>Community Facilities</td>
<td>✓</td>
</tr>
<tr>
<td>Eden Hills – (Colebrook Aboriginal Lands Trust, Karinya Reserve, Blackwood High and Primary School, Wittunga Botanical Gardens)</td>
<td>Institutional</td>
<td>Community Facilities</td>
<td>Open Space &amp; Community Facilities</td>
<td>✗</td>
</tr>
<tr>
<td>South Australian Women’s Memorial Playing Fields</td>
<td>Institutional</td>
<td>Community Facilities</td>
<td>Recreation</td>
<td>✗</td>
</tr>
<tr>
<td>Blackwood Forest Reserve</td>
<td>Institutional</td>
<td>Community Facilities</td>
<td>Open Space</td>
<td>✗</td>
</tr>
<tr>
<td>Lot 36 and Lot 101 Riverside Drive, BEDFORD PARK Former TAFE Site (621-625 Goodwood Road, PANORAMA) Properties located between 720-730 Goodwood Road PASADENA</td>
<td>Institutional</td>
<td>Community Facilities</td>
<td>Community Facilities</td>
<td>✓ Does not reflect existing land uses, however Code Amendment process available to owners</td>
</tr>
</tbody>
</table>

**Footnotes:**
**All sites are under private ownership**
<table>
<thead>
<tr>
<th>ASSOCIATED AREA</th>
<th>CURRENT DEVELOPMENT PLAN POLICY AREA</th>
<th>PROPOSED PLANNING &amp; DESIGN CODE ZONE</th>
<th>CITY OF MITCHAM SUGGESTION</th>
<th>CITY OF MITCHAM RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ETSA substation</td>
<td>Institutional</td>
<td>Community Facilities</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>St Marys Anglican Church and Cemetery</td>
<td>Special Uses</td>
<td>Community Facilities</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>St Bernadette’s Primary School</td>
<td>Special Uses</td>
<td>Community Facilities</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>St Marys Oval (Panther Park)</td>
<td>Special Uses</td>
<td>Community Facilities</td>
<td>Recreation</td>
<td>✗</td>
</tr>
<tr>
<td>A.A. Bailey Reserve</td>
<td>Special Uses</td>
<td>Community Facilities</td>
<td>Recreation</td>
<td>✗</td>
</tr>
<tr>
<td>Hawthorn Oval (Price Memorial Oval)</td>
<td>Special Uses</td>
<td>Community Facilities</td>
<td>Recreation</td>
<td>✗</td>
</tr>
<tr>
<td>Kingswood Oval</td>
<td>Special Uses</td>
<td>Community Facilities</td>
<td>Recreation</td>
<td>✗</td>
</tr>
<tr>
<td>Mitcham Civic Centre, Mitcham Railway Station and Mitcham Library</td>
<td>District Centre</td>
<td>Community Facilities</td>
<td>Suburban Activity Centre</td>
<td>✗</td>
</tr>
</tbody>
</table>
## Open Space

<table>
<thead>
<tr>
<th>CURRENT DEVELOPMENT PLAN ZONE</th>
<th>CURRENT DEVELOPMENT PLAN POLICY AREA</th>
<th>PLANNING &amp; DESIGN CODE ZONE</th>
<th>CITY OF MITCHAM RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metropolitan Open Space System (Recreation)</td>
<td>Policy Area 3 - Open Space (Recreation)</td>
<td>Open Space</td>
<td>✓</td>
</tr>
<tr>
<td>Metropolitan Open Space System (Recreation)</td>
<td>Policy Area 4 - Open Space (Farming until Area 2 developed)</td>
<td>Open Space</td>
<td>✓</td>
</tr>
<tr>
<td>Metropolitan Open Space System (Recreation)</td>
<td>Policy Area 5 - Open Space (Farming up to 2002)</td>
<td>Open Space</td>
<td>✓</td>
</tr>
<tr>
<td>Metropolitan Open Space System (Recreation)</td>
<td>Policy Area 6 - Open Space for immediate addition to Sturt Gorge Recreation Park.</td>
<td>Open Space</td>
<td>✓</td>
</tr>
<tr>
<td>Open Space</td>
<td></td>
<td>Open Space</td>
<td>✓</td>
</tr>
<tr>
<td>State Heritage Area (Colonel Light Gardens)</td>
<td>Internal Reserves - Policy Area 2</td>
<td>Open Space</td>
<td>X Alternative zone/approach required</td>
</tr>
<tr>
<td>State Heritage Area (Colonel Light Gardens)</td>
<td>Major Public Parks - Policy Area 1</td>
<td>Open Space</td>
<td>X Alternative zone/approach required</td>
</tr>
</tbody>
</table>

### CURRENT APPROACH

Council currently has three areas/Zones that will be converted to the Open Space Zone including:

- Open Space Zone
- Metropolitan Open Space System (MOSS) Recreation Zone; and
- Internal Reserves and Major Public Parks in Colonel Light Gardens

**Open Space Zone**

The Open Space zone was created by way of the Ministerial DPA of the Flinders University and Bedford Park areas. The zone seeks to accommodate passive and active recreation as well as habitat and restoration. Another important objective of this Zone is to create a linear park along the Sturt River.

**MOSS Zone**

A Zone incorporating linear and regional open space for a range of passive and active recreational activities in a landscaped setting.

### PLANNING & DESIGN CODE RESPONSE

These areas have been converted to the Open Space Zone that seeks the following outcome:

"Areas of natural and landscaped open space that provide visual relief to the built environment for the enjoyment of the community."

The Zone contemplates:

- Open Space
- Outdoor sports courts
- Recreation area
- Sporting ovals and fields.

The proposed Zoning appears to be a good fit for the existing Open Space and MOSS zone. However as previously stated an alternative approach to how Colonel Light Gardens has been zoned as a whole is required.

In addition to the areas nominated for transition to Open Space Zone, there are a number of other sites currently transitioned to Community Facilities that may be better placed within the Open Space Zone including:

- Blackwood Forest Reserve; and
- Land associated with Karinya and Colebrook Aboriginal Land Trust.
MOSS and the Native Vegetation Act

Importantly the “MOSS” zoning is specifically referenced in the Native Vegetation Act. A change to the name of the Zone may result in a break with other legislative ties.

Internal Reserves and Major Public Parks associated with Colonel Light Gardens

The internal reserves and major public parks within Colonel Light Gardens are listed as Policy Area 1 and 2 respectively of the State Heritage Area – Colonel Light Gardens Zone. These areas are identified as being used for formal and informal activities with Mortlock Park being maintained as the main recreation area within the suburb. There are specific Principles of Development Control within the Development Plan that guide appropriate development within these zones.

As previously mentioned there appears to be a policy overlap between the Community Facilities, Recreation and Open Space Zones.

OPPORTUNITIES FOR IMPROVEMENT

1. Retain all existing land currently located within the Metropolitan Open Space System (MOSS) as land within the MOSS Zone to ensure that native vegetation is protected in accordance with the Native Vegetation Act. Alternatively, further investigations to ensure that there are no material impacts as a result of the change.

2. The Open Space Zone is not considered to be the correct Zone transition for the internal reserves and major public parks of Colonel Light Gardens. Council would prefer that Colonel Light Gardens be retained as a single zone in lieu of being split across three separate ones. Alternative approach required.

3. There are a number of sites within Mitcham that have been transitioned to Community Facilities that may be better suited to the Open Space Zone.

4. Clearer policies that discourage the use of land within the Zone for commercial uses.

SUPPORTING MATERIAL

- Refer to Table 2 - Council’s Recommendation of Zoning in relation to Institutional and Special Uses Zone on pages 21-22 under ‘Community Facilities’ for suggested inclusions within the ‘Open Space’
Suburban Activity Centre

<table>
<thead>
<tr>
<th>CURRENT DEVELOPMENT PLAN ZONE</th>
<th>CURRENT DEVELOPMENT PLAN POLICY AREA</th>
<th>PLANNING &amp; DESIGN CODE ZONE</th>
<th>CITY OF MITCHAM RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Centre</td>
<td>N/A</td>
<td>Suburban Activity Centre</td>
<td>✓</td>
</tr>
<tr>
<td>Local Centre</td>
<td>N/A</td>
<td>Suburban Activity Centre</td>
<td>X</td>
</tr>
<tr>
<td>Neighbourhood Centre</td>
<td>N/A</td>
<td>Suburban Activity Centre</td>
<td>X</td>
</tr>
</tbody>
</table>

The Development Plan currently has three types of ‘centre’ Zones. These include:

- District Centre Zone.
- Neighbourhood Centre Zone.
- Local Centre Zone.

**District Centre Zone**
The District Centre Zone is designed to accommodate a range of retail facilities, offices, consulting rooms and cultural community, public administration, entertainment, educational and religious uses that serve the community and visitors within the surrounding district.

The District Centre Zone within the current Development Plan covers the following areas:

1. Mitcham Shopping Centre and other properties fronting Belair Road.
2. Blackwood Centre.
3. Goodwood Road, Cumberland Park

These District Centre Zone’s accommodate shopping facilities that provide convenience goods to serve major weekly shopping trips.

The Zone acknowledges the differences between the Mitcham Shopping Centre and Blackwood Centre and addresses them individually with specifically crafted policies and supporting ‘Concept Plans’.

**PLANNING & DESIGN CODE RESPONSE**

The Draft Planning and Design Code (Phase Three) will change the existing Centre Zones to the following Zones:

- Suburban Activity Centre Zone. Including:
  - Mitcham Shopping Centre.
  - All previous Neighbourhood Centre Zones
  - All previous Local Centre Zones.

- Urban Activity Centre Zone. Including:
  - Blackwood Centre;
  - Cumberland Park (Big W/Woolworths site)

Further, the Civic Centre, Railway Station, Community Centres and Library will be converted from a 'District Centre Zone' under the current Development Plan to a 'Community Facilities' Zone.

However, "Mapping Improvements" document released on the SA Planning Portal notes that:

<table>
<thead>
<tr>
<th>MITCHAM</th>
<th>CURRENT DEVELOPMENT PLAN</th>
<th>DRAFT PLANNING AND DESIGN CODE</th>
<th>MAPPING INCONSISTENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Centre</td>
<td>Urban Activity Centre</td>
<td>Blackwood Main Road: Suburban Activity Centre. CumberlandPark (cnr Cross/Goodwood Road): Suburban Activity Centre.</td>
<td></td>
</tr>
<tr>
<td>Institutional</td>
<td>Community Facilities</td>
<td>Community Facilities. Zone is a good fit for most of the areas that have this zone - but not all (Recreation Zone a better fit for the facilities at the corner of Main South Road and Ayliffs Road). This likely to be split but post consultation.</td>
<td></td>
</tr>
</tbody>
</table>

As such it is assumed that it was intended that Blackwood Centre and Cumberland Park were intended to be mapped into the Suburban Activity Centre Zone.
Mitcham Shopping Centre

In particular, policies relating to the Mitcham Shopping Centre acknowledge:

- Large isolated trees.
- Brownhill Creek.
- The Torrens Arms Hotel, former Waverley Brewery Building, Mitcham Community Centre, Mitcham Railway Station and Council Chambers which should remain as dominant buildings.

Blackwood Centre

In particular, policies relating to the Blackwood Centre acknowledge:

- Landscaping and tree planting that create and reinforce a bushland setting.
- Buildings that harmonize with landscaped areas.
- Spacing between buildings.
- Variety of building sizes.
- Buildings not exceeding two-storeys.
- Provide some basic design guidelines for advertisements.

Neighbourhood Centre Zone

The Neighbourhood Centre Zone is designed to provide a range of shopping, community, business and recreational facilities for the surrounding neighbourhood. It is intended to be the main focus of business and community life outside a District Centre Zone with more frequent and regular services provided.

The Neighbourhood Centre Zone within the current Development Plan covers the following areas:

1. Portion of land on the western side of Goodwood Road, Daw Park.
2. Pasadena Shopping Centre at Fiveash Drive, Pasadena.
3. Portion of Main Road, Belair.

The Zone acknowledges the differences between the three sections of the Zone and somewhat addresses them individually with specifically crafted policies.

Suburban Activity Centre Zone

The Suburban Activity Centre Zone is designed to accommodate:

- An active retail precinct.
- Neighbourhood scale shopping, business, entertainment and recreation facilities.
- The focus for business and community life that provides most daily and weekly shopping needs for the community.
- Buildings integrated with public transport, cycling and pedestrian infrastructure.
- Residential development that does not prejudice the operation of existing non-residential development.
- Low to medium rise buildings.

A number of typical centre uses such as consulting rooms, shop, offices are contemplated uses within the zone.

Further, the Zone suggests that some Concept Plans will apply to the Zone. It is noted that Council’s current Concept Plan for the Lower Mitcham/ Torrens Park area has not been included within the Code.

Hierarchy of Centre Zones

Council’s Development Plan currently has a very distinguished hierarchy of District Centre, Neighbourhood Centre and Local Centre Zones to reflect the scale and intensity anticipated in these areas.

There is a concern that as a result of the ‘flattening out’ of the Centre hierarchy, in addition to the increased scope for non-residential development within the Neighbourhood zones that the Code will result in an undermining of the existing Centres. It will result in a reduction in financial incentive for businesses to operate within Centre Zones.

It is recommended that the Commission consider:

- The inclusion of an additional Zone in the Code that better reflects the existing Local and Neighbourhood Centre scales;
- The inclusion of Gross Floor Area TNV’s within Centre Zones for height and retail floor limits; and
- Refinement of the policies relating to non-residential uses within the Neighbourhood Zones to reinforce these uses within existing vibrant Centres.
Daw Park

In particular, policies relating to the Daw Park acknowledge:

- A range of retail, community, office and religious facilities serving the neighbouring populations.
- Off-street parking and landscaping to improve convenience and amenity.

Pasadena

In particular, policies relating to the Pasadena acknowledge:

- A range of retail, community, office, service and recreational activities.
- Conveniently located landscaped car parking and pedestrian areas.

Belair

In particular, policies relating to the Belair acknowledge:

- A range of retail, community and minor service activities related to the local community it serves.
- Main focus for the purchase of day-to-day goods on the western side of Main Road.
- Substantial landscaping to unify buildings and shade car parking areas.

Local Centre Zone

A Local Centre Zone is designed to accommodate small-scale convenience shopping, office, medical and community facilities to serve the local community.

The Local Centre Zone within the current Development Plan cover the following areas:

1. Portion of land on the eastern side of Belair Road, Kingswood. 17 – 25 Belair Road.
2. Portion of land on the western side of Goodwood Road, Cumberland Park. 421 – 423 Goodwood Road.
3. 44 Sussex Terrace, corner with Angas Road, Westbourne Park. Bartletts Auto Centre, Hairdresser and café.
4. Corner of Belair Road and Springbank Road, Torrens Park. 144 – 154 Springbank Road, Torrens Park.

Building Heights and Setbacks

The zone suggests that the TNV overlay will nominate maximum building heights. For Council’s Suburban Activity Centres, no TNV for building height has been prescribed. As a result, it is unclear what the maximum building height for the area should be.

Buildings should be constructed in accordance with the following building envelope where adjoining a neighbourhood zone:

Public Notification

The following types of development will be notified:

- Development defined as ‘all other code assessed development;
- Construction of a building that fails to comply with height and setback requirements; and
- The construction of or change of use to a retail fuel outlet, educational establishment, emergency services facility, entertainment venue, hospital, hotel, light industry.
5. Portion of land on the southern side of Shepherds Hill Road, Eden Hills. 278 Shepherds Hill Road, small scale shops and Caltex service station.

The Zone provides the following general provisions designed to cover all 5 areas situated in the Local Centre Zone:

- A range of small-scale shopping and community facilities which cater for the day-to-day needs of the local community.
- Shops with a maximum gross leasable floor area of 450 square metres.

Further, the Zone provides the following specific provisions:

- Upgrade of the Local Centre at Belair Road, Kingswood (1), including the car parking area, signage and landscaping.
- Upgrade and refurbishment of traditional shops and other local facilities at Goodwood Road, Cumberland Park and Daw Park (2).

### OPPORTUNITIES FOR IMPROVEMENT

1. Suburban Activity Centre anticipates neighbourhood level uses while the Urban Activity Centre anticipates regional level uses. It appears that the existing scale of the Blackwood Centre and Cumberland Park may not qualify for regional level uses. Council would support these Centres being located within the Suburban Activity Centre as noted on the Mapping Inconsistency Table.

2. The Mitcham Civic Centre, Mitcham Library and land adjacent to the Mitcham Railway Station have been re-zoned to Community Facilities. Whilst this reflects existing land uses it restricts future opportunities – particularly around the train station. It is requested that these sites are transitioned to Suburban Activity Centre. This ensures a more "like for like" translation from existing Policy.

3. Consideration should be given to the creation of a new centre zone that better reflects the scale and characteristics of Council’s existing Local Centre and Neighbourhood Centre Zones – Potentially Neighbourhood Centre Zone to cater for the day-to-day needs of the local community. A lower-scale centre zone will better support the existing Centre hierarchy that exists.

4. TNV overlays in terms of building heights have not been included in the Zone. There either needs to be a default height limit if no TNV prescribed or a TNV must be included for all sites within the Suburban Activity Centre Zone. This has public notification ramifications if a development does not comply with a TNV.

5. It is recommended that TNV overlays to be developed to inform suitable gross leasable floor areas for centre zones and/or the creation of additional sub zones to reflect the local variations that exist between the lower order centre areas.

### SUPPORTING MATERIAL

- Refer to comments in relation to the TNV overlay contained on page 71 and 72
Innovation

<table>
<thead>
<tr>
<th>CURRENT DEVELOPMENT PLAN ZONE</th>
<th>CURRENT DEVELOPMENT PLAN POLICY AREA</th>
<th>PLANNING &amp; DESIGN CODE ZONE</th>
<th>CITY OF MITCHAM RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Activity</td>
<td>N/A</td>
<td>Innovation</td>
<td>✓</td>
</tr>
<tr>
<td>Mixed Use</td>
<td>N/A</td>
<td>Innovation</td>
<td>✓</td>
</tr>
</tbody>
</table>

**CURRENT APPROACH**

**Regional Activity Zone**

The Zone has a focus on land uses that may attract state, national and international investment, along with compatible land uses.

The Zone covers Bedford Park which encroaches into The City of Marion Council area and should evolve to comprise a mix of functional uses in a walkable urban form.

More specifically, the Zone covers a range of education, health, research and employment facilities of regional significance. These activities will be the focus for development however supporting activities that meet the needs of workers, students, residents and visitors are also encouraged.

Development should be managed to satisfy Concept Plan Fig Mit/1 – Bedford Park which identifies a ‘Core Area’, ‘Flinders Village Area’ and ‘Open Space Area’.

The Zone acknowledges that the Flinders Link rail station is an important public transport link within the Zone.

Anticipated uses within the Zone are dissected to address the ‘Core Area’, ‘Flinders Village Area’ and ‘Open Space Area’. These uses are listed below:

**Core Area**

- Active outdoor recreation.
- Consulting rooms.
- Community Centre.
- Educational Establishment.
- Hospital.
- Office.
- Parking facility.
- Recreation Area.
- Student Accommodation.

**PLANNING & DESIGN CODE RESPONSE**

The Regional Activity and Mixed-Use Zone will transition to the Innovation Zone.

The Innovation Zone is intended to accommodate a range of health, education and research activities supported by a mix of compatible housing, tourism, hospitality, cultural, entertainment, recreation and retail land uses.

Development in the Zone should comprise one or more of the following:

- Consulting rooms.
- Community facilities.
- Dwelling.
- Residential flat building.
- Educational establishment.
- Hospitality.
- Hotel.
- Library.
- Light Industry (including high technology and research-based activity).
- Office.
- Place of worship.
- Pre-school.
- Public transport terminal.

Development within the Zone should promote public transport use.

Commercial activity should be of a scale that meets the day to day needs of the local community.

Residential development should achieve the following minimum net residential densities:

- 50 dwellings per hectare where located adjacent a zone boundary.
- 80 dwellings per hectare in all other cases.

These densities reflect those already listed in the Regional Activity Zone.
Flinders Village Area

- Affordable Housing.
- Aged Persons Accommodation.
- Community Centre.
- Educational Establishment.
- Entertainment Venue.
- Indoor Recreation Centre.
- Multiple Dwelling.
- Place of Worship.
- Residential flat dwelling.
- Restaurant.
- Row dwellings.
- Shop or group of shops (excluding a bulky goods outlet).
- Tourist accommodation.

Open Space Area

- Active outdoor recreation.
- Passive recreation area.

The Zone acknowledges that development should reduce in scale where it is situated adjacent a lower density residential zone.

Floor Area limits are nominated for shops, offices, consulting rooms and residential development.

Mixed Use Zone

The Mixed Use Zone was a recent inclusion in Council’s Development Plan as a result of the Repatriation General Hospital and Surrounding Areas Ministerial DPA.

The Zone supports a mix of health and related land uses including facilities for health and aged care, rehabilitation, education, research, community and supported accommodation.

Development should generally be undertaken in accordance with the Concept Plan Fig MU/1.

Building Heights and Setbacks

It is intended that the Building heights within the zone provide an orderly transition in scale from low scale at the zone interface to medium-high rise in the centre of the zone.

Building heights should not be greater than that specified in the Technical and Numeric Variation (TNV) overlay. It is noted that there are missing and/or inconsistent TNVs currently nominated within the Draft Code compared to current policy.

Public Notification

There appears to be an error within the public notification table that nominates construction of a building that does not comply with DTS/DPF 4.1 or 4.2 requirements. It is noted that DTS/DPF 4.1 relates to land division and there is no DTS/DPF 4.2.

Other forms of development requiring public notification are:

- Construction or change of use to a retail fuel outlet, hotel, industry and other ‘code assessed development’ that is located adjacent to a sensitive receiver; and
- Shop, office or consulting room in excess of 500m² in gross leasable floor area.

Rehabilitation Subzone

The rehabilitation subzone applies only to the area where the Repatriation (Repat) Hospital is located. The subzone. The policies of the subzone reflect the local variation that exists for the Repat site and outlines where various forms of development should be sited.

Opportunities for Improvement

1. Anticipated buildings heights should be clearly confirmed to be the same as the existing Regional Activity Zone. Higher building forms will present flexibility in development and encourage investment while development adjacent lower density residential areas should scale down as per the existing situation.

2. The Concept Plan that was introduced through the Ministerial Southern Innovation Area DPA (Mit Fig/1) should be adopted as a TNV for the area. The concept plan is important in identifying the core areas where higher densities/heights are encouraged and more importantly the areas of open space that should be retained.
3. The Concept Plan that was introduced through the Ministerial Repatriation General Hospital and Surround Areas DPA (Fig MU/1) should be adopted as a TNV for the area.

4. Amendments to the TNV overlay data is required to ensure maximum heights and storeys are nominated and reflect existing policy.

5. Review of the public notification table to clarify which DTS/DPF trigger notification. It is recommended that this was intended to refer to DTS/DPF 3.1 and 3.2 which related to Building Heights and Setbacks.

**SUPPORTING MATERIAL**

- Mitcham (City) Bedford Park - Fig Mit/1 – Please refer to page 65 under Section 4 – Index of TNV
- Mitcham (City) Mixed Use Zone – Fig MU/1 – Please refer to page 66 under Section 4 – Index of TNV
- Refer to TNV table for Building Heights and densities – Please refer to page 73 under Section 4 – Index of TNV
Suburban Business and Innovation

<table>
<thead>
<tr>
<th>CURRENT DEVELOPMENT PLAN ZONE</th>
<th>CURRENT DEVELOPMENT PLAN POLICY AREA</th>
<th>PLANNING &amp; DESIGN CODE ZONE</th>
<th>CITY OF MITCHAM RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial (Coromandel Parade)</td>
<td>N/A</td>
<td>Suburban Business and Innovation</td>
<td>x</td>
</tr>
<tr>
<td>Commercial (Main Road)</td>
<td>N/A</td>
<td>Suburban Business and Innovation</td>
<td>x</td>
</tr>
<tr>
<td>Commercial (Belair Road)</td>
<td>N/A</td>
<td>Suburban Business and Innovation</td>
<td>✓</td>
</tr>
</tbody>
</table>

Currently, there are a number of small-scale Commercial/ Mixed Use Zones that contain bespoke planning policies that are applicable to only small areas of the Council. These areas include:

- Commercial (Coromandel Parade)
- Commercial (Main Road)
- Mixed Use (Belair Road)
- Commercial (South Road)
- Mixed Use (Goodwood Road)

**Commercial (Coromandel Parade)**
The primary objectives of the zone contemplate primarily residential development along with low-intensity community and office related activities that generate low-traffic volumes.

The Zone contains only a small number of allotments (approximately 25). Of this small number of properties, five (5) are listed as Local Heritage Places and two (2) are State Heritage listed. Sites are generally used for:

- Residential;
- Small-scale office and shops; and
- Community Facilities.

This area is currently being contemplated as being converted to a Mixed Use Zone under Council’s Growth Precincts DPA.

A number of forms of development are listed as non-complying including shop or group of shops with a gross leasable area greater than 50 square metres.

**Commercial (Main Road)**
The primary objectives of the zone contemplate primarily residential development along with low-intensity community and office related activities that generate low-traffic volumes.

**Commercial (Belair Road)**
The primary objectives of the zone contemplate primarily residential development along with low-intensity community and office related activities that generate low-traffic volumes.

It is noted that under the Code the Commercial (Coromandel Parade), Commercial (Main Road) and Mixed Use (Belair Road) have been transitioned to the Suburban and Business and Innovation.

Commercial (South Road) has been transitioned to Suburban Employment and Mixed Use (Goodwood Road) to Business Neighbourhood.

The Code states that the Suburban Business and Innovation Zone is:

“A business and innovation precinct that includes a range of emerging businesses that have a low-level off-site impacts. Residential development within the area is subordinate to employment uses and generally include medium density residential that is designed to complement, and not prejudice the operation of existing businesses.”

The Zone contemplates the following forms of development:

- Consulting room
- Dwelling
- Institutional facility
- Light industry
- Motor repair station
- Office
- Service trade premises
- Shop
- Store
- Warehouse.

The Suburban Business and Innovation Zone lists Shops with a gross leasable floor area greater than 1,000 square metres as being Restricted Development.
community and office related activities that generate low-traffic volumes.

Key Development Policies:
- 450m² site area for any form of dwelling;
- Shop development should comprise a maximum gross leasable floor area of 250m²

This area is currently being contemplated as being converted to a Mixed-Use Zone under Council’s Growth Precincts DPA.

**Mixed Use (Belair Road)**
The primary objectives of the zone contemplate primarily community, consulting room, motor vehicle related, local office, shops and certain type of residential developments.

Key Development Policies:
- Community uses - max 500m²
- Consulting rooms/offices - 250m²
- Service Trade Premises - 500m²
- Shop - 250m²
- Shop (Retail Showroom) - 300m²

Building heights are nominated as should not exceed 2-storeys of 8 metres in height.

A number of uses are nominated as non-complying including:
- Detached dwellings;
- Light industry;
- Row dwelling;
- Semi-detached dwelling;
- Warehouse.

The Zone lists that Building Height should not exceed:
- a. 2-building levels or 9 metres where the development is located adjoining a different zone that primarily envisages residential development;
- b. 3 building levels or 12 metres in all other cases.

Whilst the intent statement states that residential development should be subordinate a number of residential type developments are listed under the deemed-to-satisfy provisions. It is unclear how development should reinforce that residential should be ‘subordinate to employment uses’.

**Public Notification**
Given the relatively small size of Council’s existing Commercial and Mixed-Use Zones, the majority of performance assessed applications will require public notification as many sites are adjacent to land within another Zone.

---

**OPPORTUNITIES FOR IMPROVEMENT**

1. Refinement of the policies of the Suburban Business and Innovation Zone to clearly outline where and what form of residential development is suitable within the area.

2. TNV overlays to be developed to inform suitable gross leasable floor areas for retail/office/consulting room uses and/or creation of subzones.

3. Whilst the Suburban Business and Innovation Zone appears to be a reasonable option for the Mixed Use (Belair Road) Zone, it is less clear for the Commercial (Coromandel Parade) and Commercial (Main Road) Zones that currently prioritise residential development with complementary commercial businesses. The inclusion of a true 'Mixed-Use Zone' within the Code may assist in rectifying these translation issues.

4. Council would welcome further discussions with DPTI in relation to the most appropriate transition for these Zones, particularly given that these areas are identified within our current Growth Areas DPA to ensure that the intended outcomes of the DPA are being achieved.
5. A number of contemplated land uses contained within the Suburban Business and Innovation zone are currently listed as non-complying forms of development within the existing Zone as nominated in Council’s Development Plan. A review of whether this Zone is appropriate for the nominated areas is recommended.

SUPPORTING MATERIAL

N/A
Growth Precincts DPA

Council is currently undertaking a Growth Precincts Development Plan Amendment (DPA). At the time of writing this submission the DPA has not been finalised. It is likely to be lodged with the Minister for Planning during March 2020 in anticipation of being included in the first iteration of the Planning and Design Code. Council would appreciate the opportunity to further discuss appropriate transitions from the DPA zones to the Code with the Department of Planning, Transport and Infrastructure. The following table depicts Council’s comments in response to DPT’s Draft Transition to Code Table” contained in its submission on the DPA dated 14 November 2019.

**Legend**
- × Incorrect Zoning Applied
- ✓ Zoning Correct but with
- ✓ Zoning Correct

<table>
<thead>
<tr>
<th>DPA ZONE</th>
<th>PLANNING &amp; DESIGN CODE ZONE</th>
<th>CITY OF MITCHAM RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Zone (Education Policy Area and No Policy Area)</td>
<td>Community Facilities Zone</td>
<td>✓</td>
</tr>
<tr>
<td>Community Zone (Recreation PA)</td>
<td>Recreation Zone</td>
<td>✓</td>
</tr>
<tr>
<td>District Centre Zone</td>
<td>Suburban Activity Centre Zone</td>
<td>✓</td>
</tr>
<tr>
<td>Mixed Use Zone</td>
<td>Suburban Business and Innovation Zone</td>
<td>×</td>
</tr>
<tr>
<td>Mixed Use Zone (Repatriation General Hospital Policy Area)</td>
<td>Innovation Zone and Repatriation subzone (To be drafted)</td>
<td>✓</td>
</tr>
<tr>
<td>Suburban Neighbourhood Zone</td>
<td>General Neighbourhood Zone</td>
<td>✓</td>
</tr>
<tr>
<td>Urban Corridor Zone (Transit Living PA)</td>
<td>Urban Corridor (Living) Zone</td>
<td>✓</td>
</tr>
<tr>
<td>Portion of District Centre Zone (boundaries generally not affected by DPA) covering Mitcham Council Office, Mitcham train station, Mitcham Memorial Library and Garden etc.</td>
<td>Community Facilities Zone</td>
<td>×</td>
</tr>
</tbody>
</table>

**OPPORTUNITIES FOR IMPROVEMENT**

1. Council supports the proposed transition of the Community Zone (Education Policy Area) to the Community Facilities Zone subject to appropriate Technical and Numeric Variations (TNV) consistent with the DPA that contemplates 3-storey maximum heights.

2. The Code does not provide a directly comparable ‘Mixed Use Zone’. The Suburban Business and Innovation Zone specifies that residential development within this zone be ‘subordinate’ to non-residential development. The intent of the DPA was to facilitate primarily residential at medium densities, with non-residential uses playing a secondary role.
In reviewing the draft Code the Urban Neighbourhood Zone is preferred as this has a greater emphasis on residential development, however this would be subject to tighter controls provided in relation to maximum retail floor areas (restricted development is only triggered with a shop exceeding a floor area of 10,000 square metres). If tighter controls on retail floor area cannot be provided, the Urban Corridor (Living) Zone may also be suitable with a TNV limiting height.

3. Council would welcome the opportunity to comment on the proposed Repatriation subzone that is to be drafted for the Innovation Zone. It is recommended that a Concept Plan be incorporated within the TNV overlay.

4. Through the DPA process it is likely that the current Blackwood Urban Zone flagged for minimum site areas of 250 square metres will be amended to 350 square metres to address the concerns of the community. It is anticipated that at this allotment size it would be transitioned to the Code as Suburban Neighbourhood with a TNV overlay reflecting the frontage and allotments size nominated within the DPA.

5. TNV to be included for sites to be re-zoned Urban Corridor (Living) Zone to reflect the height limits prescribed by the DPA (4 storeys, 16.5m maximum height).

6. Review of the Code polices in relation to interface/height to address errors.

7. The land associated with Mitcham Council, Mitcham train station, Mitcham Memorial Library and Garden should be transitioned to the Suburban Activity Centre.

**SUPPORTING MATERIAL**

N/A
Part 3. Overlays

Overlays

“Overlays address defined issues applying to any zone or subzone, identifying areas where there is a particular sensitivity to development (e.g. a heritage place), a constraint on land or development outcomes (e.g. bushfire risk), or where a particular opportunity or outcome for development is sought.

Overlays are the primary mechanism to spatially express the State Planning Policies and are the mechanism to pick up planning uses of state interest. Referrals can largely be expected to be contained in overlays where specialised assessment expertise is required to protect a matter of state interest.”

# State Heritage Areas Overlay

<table>
<thead>
<tr>
<th><strong>CURRENT APPROACH</strong></th>
<th><strong>PLANNING &amp; DESIGN CODE RESPONSE</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>State Heritage Areas are generally contained within Council’s Development Plans as individual zones/policy areas. Each State Heritage Area is generally mapped and is supported by development assessment policy.</td>
<td>All State Heritage Areas are covered by a “State Heritage Area Overlay”. The sites are located within the most applicable zone based on land use; however, the State Heritage Overlay will restrict many applications from being considered ‘accepted’ or ‘deemed-to-satisfy’.</td>
</tr>
<tr>
<td>The approach is inconsistent. The City of Mitcham has two State Heritage Areas – Colonel Light Gardens and Belair National Park. Colonel Light Gardens is contained within a State Heritage Area zone, whereas Belair National Park is located within the Hills Face Zone with no reference to the area within the Development Plan at all.</td>
<td>Referrals</td>
</tr>
<tr>
<td>The Development Regulations 2008 also includes Schedule 3(a) that provides specific exemptions from approval for some types of minor applications within the State Heritage Area – Colonel Light Gardens.</td>
<td>The minister remains responsible for referrals under the PDI Act.</td>
</tr>
<tr>
<td><strong>Referrals</strong></td>
<td>The Minister will have the powers of direction in relation to development applications lodged within State Heritage Areas – meaning that an application must be refused by a relevant authority if it is considered that it will have an adverse impact on the heritage value of the area.</td>
</tr>
<tr>
<td>The Development Act 1993 and the Development Regulations 2008 currently requires any development that ‘directly affects a State Heritage Place” (which includes a State Heritage Area) to be referred to the Minister for Heritage. Development, which in the opinion of the relevant authority, affects the context of the State Heritage Place/Area is also referred to the Minister.</td>
<td>Mapping</td>
</tr>
<tr>
<td>The relevant authority currently only has regard for the Minister’s comments, however if the relevant authority doesn’t totally adopt the recommendation or a condition proposed concurrence must be sought from the State Commission Assessment Panel (SCAP)</td>
<td>The State Heritage Area is outlined spatially in the Code. In some cases, adjacent properties outside of the State Heritage Area have been included within the overlay, however it has not been consistently applied when compared to the approach of State Heritage Places overlay.</td>
</tr>
<tr>
<td>Assessment of applications are largely based on the following criteria:</td>
<td>Development assessment provisions are nominated broadly. There are limited assessment criteria contained within the Code and is predominately based on what is “consistent” or will “complement” the State Heritage Area.</td>
</tr>
<tr>
<td>- Zone requirements</td>
<td>It is unclear to the public what is appropriate in terms of design and siting, it will heavily rely on preliminary discussions with Heritage SA and Council or through a negotiation process through the assessment period. It may also result in costly heritage advice being provided to accompany a development application.</td>
</tr>
<tr>
<td>- Mitcham Council Table Mit/8 - Heritage Considerations</td>
<td></td>
</tr>
</tbody>
</table>
OPPORTUNITIES FOR IMPROVEMENT

1. Seek an amended approach to the zonings and associated policies for State Heritage Areas. The Code provides limited guidance on suitable forms of development within State Heritage Areas as the policies are too generic to be of any use to the general public.

2. The inclusion of State Heritage Area Statements as part of the Planning and Design Code will assist in better recognising the attributes of historical significance for existing State Heritage Areas.

3. State Heritage Overlays to also capture adjoining sites outside of the nominated State Heritage Area that have the potential to impact on the context of the Heritage places as per the State Heritage Places overlay. However, the overlay is inconsistently applied both within the State Heritage Area and how adjacent properties are captured for State Heritage Listed Places. Refer to Fig 1 below.

SUPPORTING MATERIAL

- The assessment provisions of the Historic Area Overlay were reviewed by Flightpath Architect. Proposed amendments outlined in Attachment C

![Figure 1 - Excerpt from the mapping system that demonstrates inconsistent approach to capturing adjacent properties between State Heritage Areas and State Heritage Places Overlay](image-url)
# HISTORIC AREAS OVERLAY

## CURRENT APPROACH

The City of Mitcham has four (4) recognised Historic Conservation areas that are split across both Zones and policy areas.

- Residential (Central Plains) Historic (Conservation) Policy Area 15 – Kingswood;
- Residential (Hills) – Adey Road Historic (Conservation) Policy Area 17;
- Historic (Conservation) Zone – Belair Village; and
- Historic (Conservation) Zone – Mitcham Village.

Each of the Zone and Policy areas have tailored Desired Character Statements, objectives and principles of development control that is unique to each area of Historical significance. Council Wide provisions and specifically Table Mit/8 provide design guidelines for:

- Restoration and maintenance;
- Alterations and additions; and
- New residential development

### Contributory Items

Contributory items are recognised and considered as part of a collective whole, and that represent a fundamental contribution to the integrity of the historic architectural character of the area. The loss of contributory items could result in significant gaps in the integrity of the area.

The current contributory item structure provides more certainty to the community about which buildings are required to be retained and which buildings are more suitable for demolition.

## PLANNING & DESIGN CODE RESPONSE

The approach for identifying Historic Conservation Zones and Policy Areas within an overlay is positive inclusion in the Code. This is improving the consistency and transparency for the public.

Contributory items are no longer recognised individually. No longer clear to the community/developers which houses contribute to the character of the Historic Area without providing a Historic Area Impact Statement prepared by a heritage expert.

Demolition for buildings within Historic Area Overlays will not be subject to public notification and will be subject to reasonably short assessment timeframes (4 weeks). This may present some challenges for Council’s with limited resources to review comprehensive Historic Area Impact Assessments.

### Historic Area Statements

Historic Area Statements are a welcome inclusion provided that they clearly translate important elements that are currently captured within Desired Character Statements of Development Plans. Following Council’s review of the Statements there is considered to be opportunities for the statements to provide better context and guidance for appropriate development within the areas.

1. Refinement of the Historic Area Statements to provide better context and guidance for appropriate development within the areas. The Area Statements should be strengthened through detailed observations and leave the desired and performance outcomes to the design requirements of the overlays. This avoids contradiction and allows one set of character observations (the Statements) and one set of performance outcomes (the Overlays).

2. An important element that should be included in the table of the Historic Area Statements is roof form. Roof form as an architectural element is generally one of the major character differences between dwelling styles.

## OPPORTUNITIES FOR IMPROVEMENT

1. Refinement of the Historic Area Statements to provide better context and guidance for appropriate development within the areas. The Area Statements should be strengthened through detailed observations and leave the desired and performance outcomes to the design requirements of the overlays. This avoids contradiction and allows one set of character observations (the Statements) and one set of performance outcomes (the Overlays).

2. An important element that should be included in the table of the Historic Area Statements is roof form. Roof form as an architectural element is generally one of the major character differences between dwelling styles.
3. More information to be contained regarding detailing of dwellings and the importance of the retention of critical elements such as chimneys.

4. Supporting information sheets to be developed to assist the public in designing additions/new development to complement the historical significance of the area. The accessibility to more detailed information will assist the community in preparing suitable proposals to avoid lengthy negotiation periods during assessment and/or refusals.

5. The Code should embed policies that acknowledge the different standards of infrastructure that exist between areas, particularly within heritage or character overlays. The Code should ensure that where development affects the public realm, that replacement or repair meets the existing standard evident within these areas i.e. the blue stone kerbing within Mitcham Village. The Code should support the use of localised Technical Data Sheets to ensure that Council’s existing requirements for works within public areas are retained.

**SUPPORTING MATERIAL**

- The City of Mitcham has had the draft Historic Area Statements prepared by DPTI reviewed by Flightpath Architects. Proposed amendments to the draft statements on pages 41-48.

- The assessment provisions of the Historic Area Overlay were reviewed by Flightpath Architect. Proposed amendments outlined in **Attachments A**.
Historic Areas affecting City of Mitcham

Residential (Central Plains) Historic Area Statement (Mit1)

Historic Area Overlays identify localities that comprise unified, consistent characteristics of an identifiable historic, economic and / or social theme of recognised importance. They can comprise land divisions, development patterns, built form characteristics and natural features that provide a legible connection to the historic development of a locality.

These attributes have been identified in the below table. In some cases, State and / or Local Heritage Places within the locality contribute to the attributes of an Historic Area.

The preparation of a Heritage Impact Statement can assist in determining potential additional attributes of an Historic Area where these are not stated in the below table.

<table>
<thead>
<tr>
<th>Eras and themes</th>
<th>Early 20th century dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allotments and subdivision patterns</td>
<td>Substantial rectangular blocks</td>
</tr>
<tr>
<td></td>
<td>Substantial consistently wide and deep rectangular blocks that retains the historic pattern of land division</td>
</tr>
<tr>
<td></td>
<td>Consistent generous spacing between dwellings</td>
</tr>
<tr>
<td>Architectural features</td>
<td>Predominance of Queen Anne style villas and bungalow style dwellings. A number of early villas</td>
</tr>
<tr>
<td></td>
<td>Queen Anne and some earlier style villas</td>
</tr>
<tr>
<td></td>
<td>Bungalow style dwellings with some early Tudor</td>
</tr>
<tr>
<td></td>
<td>Vertical proportions to openings in Queen Anne style</td>
</tr>
<tr>
<td></td>
<td>Square, wider and low proportions to bungalow style</td>
</tr>
<tr>
<td>Building height</td>
<td>Predominately single storey with external wall height of 3-3.5 metres</td>
</tr>
<tr>
<td></td>
<td>Second storey development located within the roof space or to rear of dwellings</td>
</tr>
</tbody>
</table>
### Materials

Original materials, finishes and profiles of building elements including:
- external walls of sandstone, rendered masonry, face brick
- decorative wall treatments such as rendered, or brick quoins and low plinths defined by cant brick set out
- painted timber cover battens to gables and roof trim
- painted decorative timber to verandahs and finials to gables
- verandahs supported on timber posts with some on painted masonry pillars
- Roofs of corrugated galvanised iron cladding or terracotta tiles.
- Original unpainted plaster, brickwork, stonework or other masonry preserved unpainted;
- Decorated face brick or rendered masonry chimneys;
- Painted metal gutters to D or OG profile and round painted metal downpipes
- Painted timber window frames and doors

### Roof Form

Steeply pitched hipped and gable roof forms including smaller scale corner gable to return verandah villas
Separate typically bull nose verandah with some a continuation of the main roof form
Return verandahs particularly at corner allotments
Bungalows with slightly shallower roof pitch, simple generous roof plane facing the street with main ridge typically parallel to street
Wide Bungalow verandahs with tapered or upright masonry support piers and low infill walling
Timber framed and iron clad awnings to windows
Tudor roof forms generally steeper with two main projecting gables and smaller gable porch over main entrance

### Fencing

Generally low masonry plinth and post, wrought iron, brush, timber and/or wire or similar nature.
Front fences and gates reflecting the traditional period, style and form of the associated building not exceeding 1.2m in height.
Typically fences reflect the era of the dwelling:
- low masonry plinth and post, wrought iron,
- brush,
- timber with woven wire;
- painted timber picket;
- height 1.2m
- rear and side boundary fences located behind the front dwelling alignment 1.8 metres in height in corrugated profile metal

### Setting and public realm features

Regularly planted tree lined verges
Established front gardens
Consistent setback of buildings.
Ady Road Historic Area Statement (Mit2)

Historic Area Overlays identify localities that comprise unified, consistent characteristics of an identifiable historic, economic and / or social theme of recognised importance. They can comprise land divisions, development patterns, built form characteristics and natural features that provide a legible connection to the historic development of a locality.

These attributes have been identified in the below table. In some cases State and / or Local Heritage Places within the locality contribute to the attributes of an Historic Area.

The preparation of a Heritage Impact Statement can assist in determining potential additional attributes of an Historic Area where these are not stated in the below table.

<table>
<thead>
<tr>
<th>Eras and themes</th>
<th>1879 subdivision with predominance of buildings built between 1881-1920</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allotments and subdivision patterns</td>
<td>Traditional pattern and scale of low-density rectangular allotments associated with the original subdivision for the purpose of detached dwellings. Variable width to allotments East side is orthogonal to Adey road West side has angled side boundaries to Adey Road</td>
</tr>
<tr>
<td>Architectural features</td>
<td>House designs range from stone and brick villas to smaller and later bungalows Predominantly small, symmetrical cottages Houses and attached shops Detached dwellings of simple, modest, small scale with symmetrical early stone and brick villas Victorian Regency and Edwardian to smaller and later bungalows</td>
</tr>
<tr>
<td>Building height</td>
<td>Predominately single storey with external wall height of 3-3.5 metres Second storey development located within the roof space or to rear of dwellings behind ridgeline of roof. Second storey windows with total length less than 30 percent of total roof length along each elevation.</td>
</tr>
</tbody>
</table>
| **Materials**                                      | Original materials finishes and profiles of building elements.  
|                                                 | External walls incorporating sandstone, red brick, render  
|                                                 | Roof in corrugated metal cladding  
|                                                 | Render with some ornate detail to window surrounds;  
|                                                 | Simple painted timber detail and roof trim;  
|                                                 | Painted timber window frames and doors;  
|                                                 | Simple and modestly detailed timber posts to verandah  
|                                                 | Red brick or render chimneys, some tapered in height with some ornate detailing  
|                                                 | Some ornate painted timber barge boards and finials  
|                                                 | Most original unpainted plaster, brickwork, stonework or other masonry is preserved unpainted. |
| **Roof Form**                                     | Gambrel roof typically with short ridge parallel to street, with projecting gable.  
|                                                 | Simple 'M' Roof with ridge parallel to street  
|                                                 | Federation style verandahs continuous with main roof;  
|                                                 | Separate verandahs attached to main wall of varying profiles  
|                                                 | Some bungalow influence roof forms and verandahs with masonry support piers and low plinth wall |
| **Fencing**                                       | Low and/or open fencing, typically in the form of hedges, woven wire, timber picket or low stone walls reflecting and conserving the traditional period, style and form of the associated building  
|                                                 | Generally, no more than 1.2m in height.  
|                                                 | Rear and side boundary fences located behind the front dwelling alignment no more than 1.8 metres in height. |
| **Setting and public realm features**             | Minimal driveway widths with established front gardens dominant, including mature vegetation  
|                                                 | Sense of space between buildings  
|                                                 | Sloping land with minimal alteration to the land-form.  
|                                                 | Bowling Club provides focal point and sense of Place  
|                                                 | Traditional dwelling pattern located parallel to front boundaries |
Belair Village Historic Area Statement (Mit3)

Historic Area Overlays identify localities that comprise unified, consistent characteristics of an identifiable historic, economic and/or social theme of recognised importance. They can comprise land divisions, development patterns, built form characteristics and natural features that provide a legible connection to the historic development of a locality.

These attributes have been identified in the below table. In some cases State and/or Local Heritage Places within the locality contribute to the attributes of an Historic Area.

The preparation of a Heritage Impact Statement can assist in determining potential additional attributes of an Historic Area where these are not stated in the below table.

<table>
<thead>
<tr>
<th>Eras and themes</th>
<th>1880-1900 (built form) original township of Belair developed around the railway. Village / residential character with an evident railway theme and rural character and the development of an old township.</th>
</tr>
</thead>
</table>
| Allotments and subdivision patterns | Historic land division pattern, including the configuration of roads and detached dwellings on moderately large allotments, demonstrating a diverse array of allotments of varying sizes and shapes resulting from the change to rural character brought about through the introduction of the railway.  
A diverse mix of residential, education and commercial buildings with a cohesive style and generous setting. |
| Architectural features | Mix of development including, churches, school, local shop, and concrete water tower. However predominantly containing substantial villas with return verandahs. Generally hipped roof form, with pitches between 35-40 degrees.  
Clusters of substantial villas (4-6 rooms) with return verandahs to both sides of Sheoak Road  
Long linear buildings constructed along the Sheoak Road ridge and generally oriented facing Sheoak Road, resulting in a variable but cohesive pattern of buildings |
| Building height | Predominantly single storey with generally substantial external wall height up to 3.5 metres |
| Materials                                                                 | Original or otherwise complementary materials, colours and finishes, including stone, rendered masonry, face brick, corrugated iron and timber board.  
| Original verandah detailing including paving, posts and decoration.  
| External walls of sandstone or limestone  
| Red brick quoins  
| Corrugated sheet roofing in painted or galvanised finish  
| Vertically proportioned painted timber window and door frames  
| Decorative brick and rendered chimneys |
| Roof Form                               | Traditional steeply pitched hipped and gabled roof forms and some projecting gables, typical of the Victorian era  
| Ridges tend to be parallel to the street  
| Separate verandahs of bullnose, straight monopitch or concave profile supported on painted timber posts |
| Fencing                                  | Front fences and gates reflecting the traditional period, style and form of the associated building not exceeding 1.2m in height.  
| Open rural style fencing using timber posts with draw wire  
| Hedges define property boundaries  
| Front fences and gates that reflect and conserve the traditional period, style and form of the associated building.  
| Open rural style Front fences and gates that are a maximum of 1.2 metres in height to a maximum of 1.5 metres if wrought iron, brush, timber and/or wire or woven mesh style. |
| Setting and public realm features        | Original streetscape features and landscaping  
| Village character with an evident railway theme and historic Residential character  
| Historic views of open railway side in a treed setting  
|  
The Village area retains much of its original character and integrity, with a railway theme evident in various places of state heritage, local heritage and other buildings of historic character  
| There are many prominent intact historic buildings and features within it and the streetscapes, townscapes and landscapes created by these historic features.  
| Central bitumen roadway with gravel verge and no kerb or guttering Street trees to Sheoak Road  
| Gravel driveway entrances to properties |
Mitcham Village Historic Area Statement (Mit4)

Historic Area Overlays identify localities that comprise unified, consistent characteristics of an identifiable historic, economic and / or social theme of recognised importance. They can comprise land divisions, development patterns, built form characteristics and natural features that provide a legible connection to the historic development of a locality.

These attributes have been identified in the below table. In some cases State and / or Local Heritage Places within the locality contribute to the attributes of an Historic Area.

The preparation of a Heritage Impact Statement can assist in determining potential additional attributes of an Historic Area where these are not stated in the below table.

<table>
<thead>
<tr>
<th>Eras and themes</th>
<th>Village Setting - 1840.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Core precinct of the village is readily identifiable and exhibits many of the original</td>
</tr>
<tr>
<td></td>
<td>aspects of its early beginnings, including a range of single and cottage houses,</td>
</tr>
<tr>
<td></td>
<td>commercial buildings, post office, bakery, shops, hotel and other public buildings</td>
</tr>
<tr>
<td></td>
<td>Historic buildings and features that contribute to the historic character including State</td>
</tr>
<tr>
<td></td>
<td>and Local Heritage Places and other buildings displaying historic architectural features</td>
</tr>
<tr>
<td>Allotments and subdivision</td>
<td>The village was laid out on the lines of an English village and contained traditional</td>
</tr>
<tr>
<td>patterns</td>
<td>elements such as a village green and high street. Further subdivision has occurred since</td>
</tr>
<tr>
<td></td>
<td>the date, however the majority of the original land division is intact.</td>
</tr>
<tr>
<td>Architectural features</td>
<td>Single, semi-detached, row and cottage houses, commercial buildings, post office,</td>
</tr>
<tr>
<td></td>
<td>bakery, shops, hotel and other public buildings.</td>
</tr>
<tr>
<td></td>
<td>Generally hipped roof form, with pitches between 35-40 degrees</td>
</tr>
<tr>
<td></td>
<td>Intimate small scale and finely grained buildings</td>
</tr>
<tr>
<td></td>
<td>Hotel and Institute with tall gabled ornate rendered parapets</td>
</tr>
<tr>
<td></td>
<td>Modestly detailed parapet walling above verandahs to shopfronts and shops attached to</td>
</tr>
<tr>
<td></td>
<td>dwellings, mostly over pavements</td>
</tr>
<tr>
<td>Building height</td>
<td>Single storey with 3 to 3.5 metres ceiling height.</td>
</tr>
<tr>
<td>-----------------</td>
<td>--------------------------------------------------</td>
</tr>
</tbody>
</table>
| **Materials**   | Original or otherwise complementary materials, colours and finishes, including stone, rendered masonry, face brick, corrugated iron and timber board.  
|                 | Consistent with the architectural era of the building.  
|                 | Original unpainted brickwork or stonework  
|                 | Bluestone walling  
|                 | Corrugated profile roofing  
|                 | Painted timber window frames and doors  
|                 | Modest detailing to verandah posts and roof trim  
|                 | Brick, stone and rendered masonry chimneys |
| **Fencing**     | Front fences and gates reflecting the traditional period, style and form of the associated building, not exceeding 1.2m in height.  
|                 | Generally timber picket, brush or wire  
|                 | Fence height typically no more than 1.2m.  
|                 | Rear and side boundary fences located behind the front dwelling alignment no more than 1.8 metres in height with corrugated profile cladding. |
| **Setting and public realm features** | Traditional village setting with village green reflecting a mix of uses. Unbuilt land adjoining Brownhill Creek of Aboriginal heritage significance.  
|                 | Regular pattern of street trees  
|                 | Varied historic townscape views due to plan of village and open space  
|                 |Consistent building setbacks for dwellings  
|                 | Shops attached to dwellings, commercial and institutional buildings constructed to the front boundary |
LOCAL HERITAGE PLACES OVERLAY

CURRENT APPROACH

The Development Act 1993 includes specific criteria for the identification of Local Heritage Places.

Council’s Development Plan includes a list of Local Heritage Places (Table Mit/4). Local Heritage Places sit within standard Council Zones, however development involving a Local Heritage Place, or adjacent to a Local Heritage Place is assessed against different requirements, being:

- Council Wide Objectives and Principles of Development Control; and
- Table Mit/8 – Design Guidelines – Heritage Considerations.

Council engages the services of a Heritage Consultant to provide advice on application that involve:

- Demolition or land division of a Local Heritage Place;
- Substantial alterations and additions to a Local Heritage Place that do not comply with Council requirements; and
- Significant alteration to the streetscape appearance of the building.

PLANNING & DESIGN CODE RESPONSE

All Local Heritage Places are identified through the ‘Local Heritage Places’ overlay. The overlay provides development assessment provisions relating to development that affects Local Heritage Places.

Neighbouring properties that abut a site where a Local Heritage Place exist are also captured by the Local Heritage Places overlay.

There are no statutory referrals that are called in as a result of the Local Heritage Places overlay.

Most forms of development lodged on sites covered by the Local Heritage Places overlay will be performance assessed. Local Council’s will remain responsible for assessing and issuing decisions for these applications.

OPPORTUNITIES FOR IMPROVEMENT

1. Better delineation between properties that have a Local Heritage Place located on them and those that are captured because they are abutting.

2. Abutting properties to a Local Heritage Place may be unnecessarily prevented from lodging an ‘Accepted’ or ‘deemed to satisfy’ application. Refinement of the policies is required to facilitate easier assessment pathways for forms of development on adjoining properties that are unlikely to impact on the heritage value of an adjoining Local Heritage Place.

SUPPORTING MATERIAL

- The City of Mitcham is aware of a number of anomalies within its current Development Plan where properties are incorrectly nominated as Local Heritage Places as a result of historic land divisions and other drafting errors. These have previously been raised with the Department as Section 29 amendments under the Development Act 1993. Should there be an opportunity to rectify these through the transition to the Code, Council would support the following amendments as listed in Part 6: Index of Technical and Numerical Variations of this submission.

- The assessment provisions of the Historic Area Overlay were reviewed by Flightpath Architect. Proposed amendments outlined in Attachments B.
Hazards (Flooding) Overlay

**CURRENT APPROACH**

Council’s current Development Plan contains the overlay Mitcham (City) Residential Land within the vicinity of a watercourse (Figure WC/1-14). This mapping is largely redundant as it included mapping of properties known to be affected by flooding as a result of Brown Hill, Minno and Sturt Creek but also properties affected by other localised stormwater issues.

The overlay mapped in the Development Plan has largely been superseded by more recent floodplain mapping undertaken by:

- Brown Hill Keswick Creek Catchment Board;
- and
- Tonkin Engineers – Minna Creek – Flood Mitigation Study

Council uses these updated studies to more accurately identify properties that are subject to flooding. There are Council Wide Objectives and Principles of Development Controls within the Development Plan that essentially seeks that:

- No solid structure is to be constructed within the 1:100 ARI;
- Development will not result in an increase to flood levels to adjoining properties; and
- That the Finished Floor Level (FFL) is located a minimum of 300mm above the extent of the 1:100 ARI.

Applications lodged on properties identified as being affected by the 1:100 are generally required to submit a hydrological assessment prepared by a suitably qualified hydrologist engineer to confirm that the proposal complies with the above.

Hydrologist engineers will generally undertake site specific modelling of the flood waters to determine extent of flood plan and depths.

**PLANNING & DESIGN CODE RESPONSE**

Given Council does not have recognised flood mapping within its current Development Plan the Hazards (Flooding) Overlay has not been applied to the City.

This may result is an unacceptable risk to life and property for the community as a result of the approach. In this regard the Code has not maintained a “like for like” transition in maintaining Council’s existing policies related to mitigating flood risk.

*Performance Outcomes and Deemed-To-Satisfy (DTS) Criteria*

The policies that sit across the Hazards (Flooding) Overlay seek to: *minimise impacts on people, property, infrastructure and the environment from exposure to flood hazard risk through limitation of development intensification.*

A number of the DTS criteria seeks reasonably detailed information that is not readily accessible to the public. It would require a detailed flood investigation to demonstrate flood levels and velocity.

One of the DTS provisions seeks that dwellings are provided with a minimum FFL of 300mm above the adjacent Top of Kerb (TOK). This may result in unreasonable and unnecessary filling of the land which may result in extensive retaining and visual impacts.

**OPPORTUNITIES FOR IMPROVEMENT**

1. Council recommends the Commission considers including the existing flood mapping Council has available as part of the Hazards (Flooding) Overlay. It is recommended that this is updated and mapped prior to the commencement of the Code
2. Mitcham to continue to work with DPTI and other metropolitan Council’s in continuing to update flood mapping and undertaking code amendment processes to ensure flood mapping accurately reflects current risks.

3. Refinement of the policies contained within the Hazards (Flooding) Overlay to make it clearer to the community what information needs to be provided to accompany an application on a site where the Hazard (Flooding) overlay applies. In order to satisfy ‘deemed-to-satisfy’ requirements, the public will be required to seek costly flooding reports to demonstrate compliance with the requirements.

**SUPPORTING MATERIAL**

# Water Resources Overlay

## CURRENT APPROACH

Council Wide Principle of Development Control 80 and 82 seek to ensure that development is designed to improve the quality of stormwater and pollutant transfer to receiving waters.

## PLANNING & DESIGN CODE RESPONSE

A Water Resourced Overlay has been introduced that seeks - *The protection of the quality of surface waters.*

Features of the Water Resources Overlay are not currently mapped within Council’s Development Plan, however there is some overlap with recognised Creeks and Watercourses identified in Mitcham (City) Residential Land Within the Vicinity of a Watercourse Figure WC/3. The key difference is that Fig WC/3 of the Development Plan is used to identify residential land subject to flooding and stormwater inundation as opposed to protecting the quality of surface waters.

The overlay applies to a number of standard residential sites within the Hills where the presence of creeks and watercourses may not be evident to property owners.

Most classification tables call out various forms of development to be unable to be assessed as ‘Accepted’ or ‘Deemed-To-Satisfy’ if this overlay applies unless the DTS criteria is addressed.

The DTS requirements refer to requirements for a 20m strip of vegetation from the top of an embankment. It is unclear how this level of information would be appropriately demonstrated within a Development Application and where applicants could source information.

## OPPORTUNITIES FOR IMPROVEMENT

1. Council supports the intent of this overlay to encourage the appropriate protection of surface waters through the retention of native vegetation and the re-vegetation of watercourses. A refinement of the classification tables and the assessment provisions are required given the number of properties this overlay captures. It is unclear what needs to be provided or demonstrated to achieve compliance against the assessment provisions.

## SUPPORTING MATERIAL
Figure 2 - Excerpt from Mapping System That Shows the Extent of Properties Affected by the Water Resources Overlay

Figure 3 - Excerpt from Council's Mapping System demonstrating Residential Properties Within the Vicinity of a Watercourse as identified in WC/3
Sloping Land Overlay

**CURRENT APPROACH**

The Council area incorporates vast areas where the sloping topography of the land is a key feature that contributes to the character of an area.

**Earthworks**

Schedule 2 of the Development Regulations 2008 – Additional acts and activities constituting development states that:

**Schedule 2—Additional acts and activities constituting development**

A1. The following acts or activities constitute development:

1. (1) Any excavating or filling (or excavating and filling) of land within the zones and areas to which this clause applies which involves the excavating or filling (or excavating and filling) of a volume of material which exceeds 9 cubic metres in total, but not including the excavating of filling (or excavating and filling) of land—

   (a) incidental to the ploughing or filling of land for the purpose of agriculture; or
   
   (b) incidental to the installation, repair or maintenance of any underground services; or
   
   (c) on or within a public road or public road reserve; or
   
   (d) in the event of an emergency in order—

      (i) to protect life or property; or
      
      (ii) to protect the environment where authority to undertake the activity is given by or under another Act.

2. This clause applies to—

   (a) The Hills Face Zone;
   
   (b) The following zones and areas in the Development Plan applying in the area of the City of Mitcham:

      (i) Residential (Hills) Zone;
      
      (ii) Residential (Footills) Zone within the suburb of Belair Park;
      
      (iii) Residential (Blackwood Urban) Zone;
      
      (iv) Commercial (Main Road) Zone;
      
      (v) Commercial (Employment Precinct) Zone;
      
      (vi) Neighbourhood Centre Zone within the suburb of Belair;
      
      (vii) Historic (Conservation) Zone—Belair Village;
      
      (viii) Special Use Zones;
      
      (ix) Rural Landscape Zone.

This results in Earthworks in excess of 9 cubic metres being development in their own right.

Council also has a number of Council Wide and Zone provisions that reinforce that significant alterations to landforms should not occur. Where necessary, earthworks and retaining walls should be appropriately designed to minimise visual impacts.

**PLANNING & DESIGN CODE RESPONSE**

The Sloping Land overlay has been introduced with the Desired Outcome of ensuring development on sloping land is designed to protect public safety, maintain and improve soil stability and minimise environmental and visual impacts.

The intent of the overlay is supported by Council.

The overlay has been applied spatially on the basis of contours and topography determined by aerial mapping techniques. It is Council’s understanding that the sloping land overlay was applied to those properties that had a gradient of 1:4 or greater. This has resulted in the overlay being applied inconsistently across the Hills environment.

The sloping land overlay excludes a range of development from being DTS if sites are located within it.

Schedule 3 of the PDI regulations states that:

**Schedule 3—Additions to definition of development**

Note—

The acts or activities set out in this Schedule constitute development.

1. **Excavation or filling in identified zones or areas**

   (1) Any excavating or filling (or excavating and filling) of land in a zone or area identified under the Planning and Design Code for the purposes of this clause which involves the excavating or filling (or excavating and filling) of a volume of material which exceeds 9 m³ in total, but not including the excavating of filling (or excavating and filling) of land—

      (a) incidental to the ploughing or filling of land for the purpose of agriculture; or
      
      (b) incidental to the installation, repair or maintenance of any underground services; or
      
      (c) on or within a public road or public road reserve; or
      
      (d) in the event of an emergency in order—

         (i) to protect life or property; or
         
         (ii) to protect the environment where authority to undertake the activity is given by or under another Act.


The inconsistent approach to the application of the sloping land overlay could result in significant changes to the character of the Hills. Given the size of allotments within the Hills, it is not always necessary to retain soil associated with earthworks provided that it is appropriately battered. Developers may undertake earthworks prior to lodging applications to avoid cut/fill design requirements.
OPPORTUNITIES FOR IMPROVEMENT

1. The current mapping associated with the Sloping Land overlay should be replaced to ensure that the Sloping Land overlay applies to all properties that are currently located within the:
   - Residential (Hills) Zone;
   - Residential (Foothills) Zone in Bedford Park;
   - Residential (Blackwood Urban) Zone;
   - Commercial (Main Road) Zone;
   - Commercial (Coromandel Parade) Zone;
   - Neighbourhood Centre Zone within the suburb of Belair;
   - Historic (Conservation) Zone – Belair Village;
   - Special Uses Zones; and
   - Rural Landscape Zone

It is necessary that the Sloping Land overlay remain in effect to ensure that the associated policies are called up by Part 5 – designated areas and that earthworks within these areas are captured as being development. This will ensure a more direct translation to the Code and PDI Act from existing requirements.

SUPPORTING MATERIAL

Figure 4 - Excerpt from Mapping System that Demonstrates the Inconsistent Application of the Sloping Land Overlay
# Native Vegetation Overlay

<table>
<thead>
<tr>
<th>CURRENT APPROACH</th>
<th>PLANNING &amp; DESIGN CODE RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legislation</strong></td>
<td><strong>Legislation</strong></td>
</tr>
<tr>
<td>Exclusions from definition of development – general</td>
<td>Exclusions from definition of development – general</td>
</tr>
<tr>
<td>• Reg 6A (5) (d) a tree that may not be cleared without the consent of the Native Vegetation Council under the Native Vegetation Act 1991</td>
<td>Reg 3F (d) to a tree that may not be cleared without the consent of the Native Vegetation Council under the Native Vegetation Act 1991;</td>
</tr>
</tbody>
</table>

**Referrals under Schedule 8**

If the relevant Development Plan contains a map showing an area of substantially intact native vegetation, development within, or within 20 metres of, the area shown on the map, other than development in a River Murray Protection Area under the River Murray Act 2003

**Interplay between Development Act and Native Vegetation Act**

Current Development Act/Regulations process is poor regarding Native Vegetation clearance as it requires Development Plans to be current and show a map that contains intact native vegetation. The City of Mitcham currently does not have a Native Vegetation map within its Development Plan.

More recently, the majority of the suburbs within the Mitcham Hills were deemed Native Vegetation Protection Areas. However, given it is not mapped they are linked in theory but not practically.

The current process requires applicants to seek approval from the Native Vegetation Council separate to the Development Approval process.

**Removal of Trees**

A tree that requires approval under Native Vegetation Act can’t be regulated or significant, and therefore removing a tree in a native vegetation area can be confusing for residents. Depending on the distance of the tree from the house it either requires no approval, the approval of CFS to then be provided to the Native Vegetation Council or approval just from the Native Vegetation Council.

This confusing process and that it is not linked to the Development Approval process has probably resulted in the loss of native vegetation within the Mitcham Hills.

**Referrals under PDI Act Regulations**

No requirement for referral listed in Schedule 9 of PDI Regulations 2017.

**PDI Code – Native Vegetation Overlay**

Generally an application lodged where the native vegetation overlay applies should be accompanied with a declaration stating that the proposal will not, or would not, involve clearance of native vegetation under the Native Vegetation Act 1991 or a report prepared in accordance with Regulation 18(2)(a) of the Native Vegetation Regulations 2017 that establishes that the clearance is categorised as ‘low level clearance’.

Requiring an applicant to provide a declaration and report for development (including land divisions) in an area deemed to have native vegetation in the overlay is an improvement on the current system as it places the onus on the applicant rather than Council. It will be important to understand the finer details of the requirements, to ensure the declaration and report is prepared by the appropriate people.

**Removal of Trees**

To remove an individual tree the process is still confusing for residents. Residents will still be required to speak with Council and Native Vegetation/CFS.
OPPORTUNITIES FOR IMPROVEMENT

1. The Policies associated with the Native Vegetation Overlay remain confusing for residents and for authorities assessing applications. The interplay between different Acts and the Code should be refined to make the process clearer for applicants.

2. There appears to be a missing link between the Code and the legislation in relation to referrals. It is unclear if a referral to the Native Vegetation Council can be called up when it is not referenced within Schedule 9 of the Development Regulations.

3. The Code should specify the detail associated with what ‘report’ and ‘declaration’ are acceptable in terms of the policies and deemed-to-satisfy requirements. The overlay requires too much cross-referencing of separate legislation.

4. DTS/DPF 1.1 of the Native Vegetation Overlay should more clearly define what is a “residential building”. It is noted that the term residential building is not listed within Part 8 of the Code: Administrative Definitions and has the potential to cause confusion in the interpretation of this policy.

5. The Native Vegetation Overlay should include policies that mandate the planting of tree species native to South Australia and indigenous to the area to assist in restoring areas of native vegetation.

SUPPORTING MATERIAL

N/A
Part 3. General Development Policies

General Development Policies

"General development policies outline functional requirements for development, such as the need for carparking or wastewater management. Whilst zones determine what development can occur in an area, general development policies provide guidance as to how development should occur."

The Design in Urban Areas general policy is one of the most critical General Development Policies contained within the Code given that it encompasses the main design parameters for most development across the City of Mitcham. It is applicable in most zones and for land use types. For Mitcham this General Development Policy will be most commonly used for Residential development assessments. The key elements are discussed below:

**Private Open Space**

Private Open Space requirements have generally reduced under the draft Code. Private Open Space is an important aspect that needs to be considered in building design given that it accommodates recreation and services functions for clothes drying and domestic storage.

Council’s Development Plan currently seeks a minimum of 20 percent of the total site area being retained for private open space. The Code has introduced Private Open Space requirements based on the site area for typical residential allotments containing detached, semi-detached, row and group dwellings and as follows:

<table>
<thead>
<tr>
<th>Dwellling Type</th>
<th>Dwelling/ Site Configuration</th>
<th>Minimum Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached dwelling</td>
<td>&gt;1,000m²</td>
<td>Total area: 20% of the total site area.</td>
</tr>
<tr>
<td>Semi-detached dwelling</td>
<td></td>
<td>Adjacent to habitable room: 10% total site area/ minimum dimension of 4m</td>
</tr>
<tr>
<td>Row dwelling</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group dwelling</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site Area 500m² – 1,000m²</td>
<td>Total site area: 80m²</td>
<td>Adjacent to a habitable room: 24m²/ minimum dimension of 4m</td>
</tr>
<tr>
<td>Site Area 300m² – 500m²</td>
<td>Total site area: 60m²</td>
<td>Adjacent to a habitable room: 16m²/ minimum dimension of 4m</td>
</tr>
<tr>
<td>Site Area &lt;300m²</td>
<td>Total site area: 24m²</td>
<td>Adjacent to a habitable room: 16m²/ minimum dimension of 3m</td>
</tr>
</tbody>
</table>

Typical residential allotments have a minimum site area between 500m² - 1,000m². On sites where land divisions have occurred site areas are typically between 300m² - 500m². Sites within the Mitcham Hills generally have site areas in excess of >1,000m². It is recommended that 20 percent of the total site area should be maintained for private open space for all sites in excess of 300 square metres.

**Vehicle Movement and Garages**

There is a significant improvement in the requirements and restrictions imposed by the Code.
On sites with a frontage of less than 12 metres, a driveway with a maximum width of 3.2 metres is to be provided measured at the front property boundary. This seeks to retain as much on-street car parking as possible. On sites greater than 12 metres a maximum driveway width of 6m measured at the front property boundary or two driveways with a maximum of 3.2 metres.

Whilst this is a positive approach, this could be further refined to limit single-width driveways for sites under 18 metres, where the driveway only services one dwelling. Large driveway widths are generally unnecessary, reduce opportunities for on-street car parking and detract from streetscape appearance of a dwelling.

**Street Trees and Street Furniture**

The Code states that vehicle access points should be provided via an existing access or where a setback of 2 metres or more is provided to a street tree, unless consent is provided from the tree owner. For all other street furniture (i.e. stobie poles, street signs etc) driveways must be setback 500mm. This is considered an appropriate measure to protect and to ensure Council remains in adequate control of its assets.

**Landscaping**

**Soft Landscaping**

Council’s Development Plan generally has some Council Wide provisions related to landscaping being incorporated as part of a Development proposal. Guidance is provided as to appropriate plant species within the Mitcham Hills and Mitcham Plains within Table Mit/2.

The Code recognises the importance of landscaping and permeable areas in minimising heat absorption, maximising shade, maximising stormwater infiltration; and enhancing the appearance of land and streetscapes. The numerical requirements for landscaping are further supported in the Code by nominating a certain percentage of the site be retained for soft landscaping with a minimum dimension of 0.5 metres.

The landscaping requirements also seek that 25% of any land between the front boundary of the site and the building line be retained for soft landscaping.

Overall the prescriptive requirements for landscaping outlined with the Code is considered to be an improvement on Council’s current requirements. Further refinement of the requirements could be undertaken to ensure that they are meeting the industries best practices in terms of canopy cover.

**Tree Planting**

An improvement on the current requirements is the need for development sites to incorporate tree planting and to encourage the retention of trees on the site. The planting of a small, medium or large tree is required depending on the size of the allotment.

Council cautiously welcomes the introduction of mandatory tree planting within development. Refinement of the policies may be required to ensure appropriate tree species are planted within urban areas and that from a compliance point of view the trees are planted and retained on site. The Code should nominate that trees planted should be of an advanced height to ensure seedling are not planted.

**Water Sensitive Urban Design**

Council’s Development Plan has strong Council Wide provisions related to stormwater management and flooding that seeks new development and large additions to existing buildings provide on-site retention and detention on site of at least 60 percent of the roofed area.

The Code nominates that 80% of the roof area for row dwellings or 60% of the roof area of other forms of dwellings are connected to a retention tank with the following capacities:
It is considered that the Code does not go far enough to require on-site retention and detention requirements to protect Council’s infrastructure and for the benefit of the environment. In Council’s experience detention requirements are critical in preventing localised flooding during extreme rain events. The slow release of water back to the street water table is necessary to account for aging infrastructure.

It is also unclear from the above table what retention tank is required for sites in excess of 500m². It is recommended that the City of Mitcham’s requirements in relation to stormwater retention/detention is incorporated within the Code.

Environmental Performance

Whilst it is encouraging to see performance outcomes seeking appropriate siting, orientation and maximising sunlight access and ventilation, Council already has these general requirements contained within its Development Plan.

In reality, without strong DTS or DPF requirements to support them, the performance outcomes will be poorly addressed within applications. Relevant authorities require stronger provisions to encourage greater compliance with these performance outcomes.

Privacy and Overlooking

Council’s current Development Plan states that development should be designed to protect the privacy of private open space and habitable rooms of adjoining dwellings by ensuring that all upper windows and balconies are screened (opaque glass, fixed shutters or similar) to a minimum of 1.7 metres above floor level. The Code has a similar intent, however, seeks a screening height of only 1.5 metres from floor level. The change to 1.5 metres may represent an impact to the community’s expectations around the maintenance of privacy. Further refinement of the policies is encouraged to maintain privacy mitigation methods.

OPPORTUNITIES FOR IMPROVEMENT

1. The Design for Urban Areas general policies would benefit from having an associated Urban Design Guidelines that illustrate the requirements or ways to achieve the requirements outlined by the Code.
2. DTS/DPF 23.3 should be further refined to encourage single width driveways of 3.2 metre measured at the front property boundary for all driveway access points that service only one dwelling on all sites with a frontage of less than 18 metres.
3. The Code and P 21.2 should incorporate reference material for the most appropriate trees to be planted on sites. Council would also encourage that trees planted to satisfy these requirements should be of a semi-mature height.
4. It is recommended that 20 percent of the total site area should be maintained for private open space for all sites in excess of 300 square metres.
5. DTS/DPF 19.1 should undergo further refinement to reflect community’s expectations in relation to overlooking and privacy impacts. In some circumstances 1.5-metre-high screening from upper levels and balconies may be appropriate, however in other cases may result in unreasonable privacy impacts.
6. Performance Outcomes in relation to Environmental Performance need to be appropriately supported by strong DTS and DPF provisions.
7. It is recommended that the City of Mitcham’s requirements in relation to stormwater retention/detention is incorporated within the Code. Requirements can be viewed by following this link to Council’s information sheet on Rainwater tanks: https://www.mitchamcouncil.sa.gov.au/__data/assets/pdf_file/0038/89687/rainwater_tanks.pdf

SUPPORTING MATERIAL

- Refer to comments provided by East Waste in relation to waste and rubbish collection within Attachment D.
Technical and Numerical Variations (TNV’s)

“Technical and Numerical Variations (TNV’s) are applied spatially across various areas of the state. Not all locations will have a TNV - only areas where a variation from the relevant zone/subzone/overlay is required.

The requirements specified in these TNV’s effectively become part of a zone’s, subzone’s or overlay’s policies, varying one discrete policy without the need to apply an entirely new zone/subzone.

The application of TNV’s allows the Code to maintain a succinct suite of zones and subzones while respecting the many and varied different attributes and features of the state’s built, productive and natural environments.”

## Local Heritage Places

<table>
<thead>
<tr>
<th>Current Listed Property Address</th>
<th>Description and/or Extent of Listed Place</th>
<th>Section 23(4) Criteria</th>
<th>Heritage NR</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Norseman Avenue WESTBOURNE PARK</td>
<td>Gates to Batchelor Reserve; Gates and Pillars</td>
<td>d</td>
<td>3742</td>
<td>Listing states the address is 1 Norseman Avenue, Westbourne Park however this is a private dwelling. Listing should be connected to property address 59 Norseman Avenue, Westbourne Park. Mapping tool correctly identifies the reserve being the Local Heritage Place but Part 6 of the Planning and Design Code - Index of TNV still lists as 1 Norseman Avenue Westbourne Park.</td>
</tr>
<tr>
<td>62 Wattlebury Road LOWER MITCHAM</td>
<td>House; Façade, side walls, roof, chimney, windows and verandah and all external fabric detailing; front fence</td>
<td>a</td>
<td>3630</td>
<td>Land division resulted in a newly constructed dwelling being located on 62 Wattlebury Road and the Local Heritage Place being given a new address on Surrey Crescent. Listing should be connected to property address 3 Surrey Crescent, Lower Mitcham. Mapping tool places the polygon indicating the Local Heritage Place at 3 Surrey Crescent but Part 6 of the Planning and Design Code - Index of TNV still lists as 62 Wattlebury Road Lower Mitcham.</td>
</tr>
<tr>
<td>53 Grange Road LOWER MITCHAM</td>
<td>Olive Villa House; Façade, side walls, roof including dormer vents, chimneys, windows and verandah and associated decorative detaining, excluding circa early 1990s southern addition</td>
<td>a b d e</td>
<td>3620</td>
<td>Grange Road frontage subdivided from the Heritage listed 'Olive Villa' house. The heritage listed house is now located at street address 4 Crowder Street, Lower Mitcham. Mapping tool places the polygon indicating the Local Heritage Place at 3 Surrey Crescent but Part 6 of the Planning and Design Code - Index of TNV still lists as 53 Grange Road Lower Mitcham.</td>
</tr>
<tr>
<td>9 Brenchley Grove KINGSWOOD</td>
<td>Sunset Lodge Salvation Army House; Façade (excluding porch addition) and side walls, including windows, roof form and material, chimneys, verandah, balcony, but excluding additions to the side and rear of building</td>
<td>a e</td>
<td>3560</td>
<td>Through a redevelopment of the site there was an amalgamation of titles and amendment to street addresses. The heritage listed place is now considered to be located at 27-33 Rugby Street Kingswood. 9 Brenchley Grove is now a partially vacant allotment facing Belair Road. Mapping tool places the polygon indicating the Local Heritage Place at 27-33 Rugby Street Kingswood but Part 6 of the Planning and Design Code - Index of TNV still lists as 9 Brenchley Grove Kingswood.</td>
</tr>
<tr>
<td>35 Coromandel Parade BLACKWOOD</td>
<td>All Hallows Anglican Church; Whole building, excluding interior</td>
<td>a c</td>
<td>3451</td>
<td>Incorrect property address listed in Part 6 of the Planning and Design Code - Index of TNV. Polygon located at the correct address of the Local Heritage Place at 37 Coromandel Parade, Blackwood.</td>
</tr>
<tr>
<td>14 Angus Road HAWTHORN</td>
<td>&quot;Willowbrook: House, Coach house and &quot;Frimley&quot; Stables - mansion and grounds.; House – façade and side walls including windows, roof form</td>
<td>a d</td>
<td>3515</td>
<td>Angus Road incorrectly spelt in Part 6 of the Planning and Design Code - Index of TNV. Replace Angus with Angas.</td>
</tr>
<tr>
<td>16 Anderson Avenue TORRENS PARK</td>
<td>Glenburnie House and former stables; External form and fabric of historic building.</td>
<td>b e 26292</td>
<td>Description includes reference to Glenburnie House which is not part of the listing – Glenburnie House has a separate listing under 2 Chalk Place. Description should be amended to read “Former stables associated with Glenburnie House; External form and fabric of historic building”</td>
<td></td>
</tr>
</tbody>
</table>
Concept Plans

Concept Plan Mitcham (City) Bedford Park Concept Plan Fig Mit/1

[Image of Concept Plan]

Legend:
- Residential
- Mixed Use/Residential
- Core Area
  (Employment/Education/Health/Accommodation)
- Transition to scale
- Open Space Area
- Flinders Village Area
- Suburban Activity Node Core Area
- Hospital
- Strategic Roads
- Local Connector Road
- Future Pedestrian/Cycle Link
- Development Plan Boundary
- Railway
- Future Rail Line
- Future Train Station

MITCHAM (CITY) BEDFORD PARK CONCEPT PLAN
Fig Mit/1
Consolidated - 14 November 2019
Concept Plan Mitcham (City) Mixed Use Zone Concept Plan Fig MU/1

NOTE:
This Concept Plan is indicative only. The final arrangement of land uses within this mixed use framework may change as a result of implementing urban design and planning outcomes that seek to achieve the zone's provisions.

Consolidated - 14 November 2019
### Technical and Numerical Variations - Minimum Allotment Size, Minimum Frontage Size, Maximum Building Heights, Minimum and Maximum Building Height Levels

#### Residential Zones

<table>
<thead>
<tr>
<th>Development Plan Zone</th>
<th>Current Development Plan Policy Area</th>
<th>Current Minimum Allotment Size (sq m)</th>
<th>Current Minimum Frontage (m)</th>
<th>Current Maximum Height (m)</th>
<th>Current Storeys</th>
<th>Planning &amp; Design Code Zone</th>
<th>TNV Allotment Size (sq m)</th>
<th>TNV Frontage (m)</th>
<th>TNV Height (m)</th>
<th>TNV Storeys</th>
<th>City of Mitcham Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (Central Plains)</td>
<td>Historic (Conservation) Policy Area 15</td>
<td>550</td>
<td>15</td>
<td>8</td>
<td>Predominately 1-Storey, 2nd storey within roof space</td>
<td>Suburban Neighbourhood</td>
<td>550</td>
<td>No TNV prescribed</td>
<td>9</td>
<td>2-Storey</td>
<td>✗ Code requires TNV for frontage</td>
</tr>
<tr>
<td>Residential (Central Plains)</td>
<td>Policy Area 10</td>
<td>Detached 500</td>
<td>Detached 15</td>
<td>8</td>
<td>Not specified</td>
<td>Suburban Neighbourhood</td>
<td>Detached 500</td>
<td>No TNV prescribed</td>
<td>9</td>
<td>2-Storey</td>
<td>✗ Code requires TNV for frontage</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Semi-detached 425</td>
<td>Semi-detached 9</td>
<td>8</td>
<td>Not specified</td>
<td>Suburban Neighbourhood</td>
<td>Semi-detached 425</td>
<td>No TNV prescribed</td>
<td>9</td>
<td>2-Storey</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Other 400</td>
<td>Row 7</td>
<td>8</td>
<td>Not specified</td>
<td>Neighbourhood</td>
<td>Row Dwelling 400</td>
<td>No TNV prescribed</td>
<td>9</td>
<td>2-Storey</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Amalgamated Sites (greater than 2,000 sq m)</td>
<td>Other 325</td>
<td>8</td>
<td>Not specified</td>
<td>General Neighbourhood</td>
<td>Residential Flat 400</td>
<td>No TNV prescribed</td>
<td>9</td>
<td>2-Storey</td>
<td></td>
</tr>
<tr>
<td>Residential (Central Plains)</td>
<td>Policy Area 11</td>
<td>350</td>
<td>15</td>
<td>8</td>
<td>Not specified</td>
<td>General Neighbourhood</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>✓</td>
</tr>
<tr>
<td>Residential (Central Plains)</td>
<td>Policy Area 12</td>
<td>No additional allotments contemplated</td>
<td>Detached 15</td>
<td>8</td>
<td>Not specified</td>
<td>General Neighbourhood</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>✗ Incorrect Zoning Applied - See Page 9 of submission</td>
</tr>
<tr>
<td>Residential (Central Plains)</td>
<td>Policy Area 8</td>
<td>Detached 500</td>
<td>Detached 15</td>
<td>8</td>
<td>Predominately 1-Storey</td>
<td>Suburban Neighbourhood</td>
<td>Detached 500</td>
<td>No TNV prescribed</td>
<td>9</td>
<td>2-Storey</td>
<td>✗</td>
</tr>
<tr>
<td>------------------</td>
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<td>------------------------</td>
<td>----------------</td>
<td>----------</td>
</tr>
<tr>
<td>Residential (Central Plains)</td>
<td>Policy Area 9</td>
<td>Semi-detached</td>
<td>425m²</td>
<td>Detached</td>
<td>9m</td>
<td>Predominately 1-storey</td>
<td>8m</td>
<td>Suburban Neighbourhood</td>
<td>550m²</td>
<td>No TNV prescribed</td>
<td>9m</td>
</tr>
<tr>
<td>Residential (East Plains)</td>
<td>N/A</td>
<td>All Dwellings</td>
<td>800m²</td>
<td>Detached</td>
<td>8m</td>
<td>Maximum 3-storey</td>
<td>Suburban Neighbourhood</td>
<td>800m²</td>
<td>20m</td>
<td>9m</td>
<td>2-storeys</td>
</tr>
<tr>
<td>Residential (East Plains)</td>
<td>Policy Area 7</td>
<td>All Dwellings</td>
<td>800m²</td>
<td>Detached</td>
<td>8m</td>
<td>Maximum 3-storey</td>
<td>Suburban Neighbourhood</td>
<td>800m²</td>
<td>20m</td>
<td>9m</td>
<td>2-storeys</td>
</tr>
<tr>
<td>Residential (Blackwood Urban)</td>
<td>N/A</td>
<td>All Dwellings</td>
<td>450m²</td>
<td>N/A</td>
<td>8m</td>
<td>Predominately 1-storey</td>
<td>Suburban Neighbourhood</td>
<td>450m²</td>
<td>N/A</td>
<td>9m</td>
<td>2-storeys</td>
</tr>
<tr>
<td>Residential (Craigburn)</td>
<td>?</td>
<td>Detached/Semi-Detached</td>
<td>300m²</td>
<td>N/A</td>
<td>8m</td>
<td>2-storeys</td>
<td>General Neighbourhood</td>
<td>Detached/Semi-Detached</td>
<td>300m²</td>
<td>9m</td>
<td>2-storeys</td>
</tr>
<tr>
<td>Residential (Hills)</td>
<td>N/A</td>
<td>See Fig... Below</td>
<td>See Fig... Below</td>
<td>See Fig... Below</td>
<td>8m</td>
<td>N/A</td>
<td>Residential Neighbourhood</td>
<td>1,200m²</td>
<td>12m</td>
<td>No TNV prescribed</td>
<td>DTS/DPF 2.1 = 9m</td>
</tr>
</tbody>
</table>
## City of Mitcham – Council Consultation Response

<table>
<thead>
<tr>
<th>Residential (Hills)</th>
<th>Policy Area 17</th>
<th>No additional allotments contemplated</th>
<th>Suburban Neighbourhood</th>
<th>No TNV prescribed</th>
<th>No TNV Prescribed</th>
<th>9m</th>
<th>2-storeys</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (Foothills)</td>
<td>N/A</td>
<td>See Fig... Below</td>
<td>8m</td>
<td>Suburban Neighbourhood</td>
<td>700m²</td>
<td>12m</td>
<td>9m</td>
</tr>
<tr>
<td>Suburban Activity Node</td>
<td>50 dwellings per hectare</td>
<td>12.5m</td>
<td>3-storeys</td>
<td>Urban Renewal Neighbourhood</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suburban Activity Node</td>
<td>Suburban Activity Node &quot;Core Area&quot;</td>
<td>70 dwellings per hectare</td>
<td>20.5m</td>
<td>6-storeys</td>
<td>Urban Renewal Neighbourhood</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Residential (Foothills)

<table>
<thead>
<tr>
<th>Gradient</th>
<th>Width</th>
<th>Detached</th>
<th>Group</th>
<th>Semi-detached</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;1:8</td>
<td>12</td>
<td>700 m²</td>
<td>500 m²</td>
<td>450 m²</td>
</tr>
<tr>
<td>1:8 to 1:4</td>
<td>15</td>
<td>900 m²</td>
<td>700 m²</td>
<td>N/A</td>
</tr>
<tr>
<td>&gt;1:4</td>
<td>20</td>
<td>1200 m²</td>
<td>900 m²</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### Residential (Hills)

<table>
<thead>
<tr>
<th>Gradient</th>
<th>Minimum Width of Site</th>
<th>Minimum Area of Site</th>
<th>Minimum Area of Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:8 or less</td>
<td>12</td>
<td>1200</td>
<td>700</td>
</tr>
<tr>
<td>Between 1:8 and 1:4</td>
<td>21</td>
<td>1500</td>
<td>1200</td>
</tr>
<tr>
<td>Greater than 1:4</td>
<td>30</td>
<td>2000</td>
<td>1600</td>
</tr>
</tbody>
</table>

*Incorrect Zoning and TNV Applied – See Page 14 of submission*

*Code allotment size and frontage TNV does not reflect current policy. Refer table below*

*Code TNV to include Height limits*
## Historic (Conservation) and State Heritage Area Zones

<table>
<thead>
<tr>
<th>CURRENT DEVELOPMENT PLAN ZONE</th>
<th>CURRENT DEVELOPMENT PLAN POLICY AREA</th>
<th>CURRENT MINIMUM ALLOTMENT SIZE</th>
<th>CURRENT MINIMUM FRONTAGE</th>
<th>CURRENT MAXIMUM HEIGHT</th>
<th>CURRENT STOREYS</th>
<th>PLANNING &amp; DESIGN CODE ZONE</th>
<th>TNV HEIGHT</th>
<th>TNV STOREYS</th>
<th>CITY OF MITCHAM RESPONSE TO TNV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historic (Conservation) Zone - Belair Village</td>
<td>N/A</td>
<td>No additional allotments contemplated</td>
<td>No additional allotments contemplated</td>
<td>8m</td>
<td>Not Specified</td>
<td>Suburban Neighbourhood</td>
<td>9m</td>
<td>2-storeys</td>
<td>Code TNV correct but zoning incorrect. Refer to Page 14</td>
</tr>
<tr>
<td>Historic (Conservation) Zone - Mitcham Village</td>
<td>N/A</td>
<td>No additional allotments contemplated</td>
<td>No additional allotments contemplated</td>
<td>8m</td>
<td>1-storey</td>
<td>Suburban Neighbourhood</td>
<td>9m</td>
<td>2-storeys</td>
<td>Code TNV should reflect the single-storey development envisioned</td>
</tr>
<tr>
<td>State Heritage Area (Colonel Light Gardens)</td>
<td>N/A</td>
<td>No additional allotments contemplated</td>
<td>No additional allotments contemplated</td>
<td>8m</td>
<td>1-storey</td>
<td>Suburban Neighbourhood</td>
<td>9m</td>
<td>2-storeys</td>
<td>Code TNV should reflect the single-storey development envisioned. Misleading for community and developers Incorrect Zoning refer to page 7</td>
</tr>
<tr>
<td>State Heritage Area (Colonel Light Gardens) Policy Area 1 - Public Parks</td>
<td>No additional allotments contemplated</td>
<td>No additional allotments contemplated</td>
<td>Not stated</td>
<td>1-storey</td>
<td>Open Space</td>
<td>No TNV prescribed</td>
<td>No TNV prescribed</td>
<td>Code TNV correct but refer to comments on page 7 for comments on zoning</td>
<td></td>
</tr>
<tr>
<td>State Heritage Area (Colonel Light Gardens) Policy Area 2 - Internal Reserves</td>
<td>No additional allotments contemplated</td>
<td>No additional allotments contemplated</td>
<td>Not stated</td>
<td>Not Stated</td>
<td>Open Space</td>
<td>No TNV prescribed</td>
<td>No TNV prescribed</td>
<td>Code TNV correct but refer to comments on page 7 for comments on zoning</td>
<td></td>
</tr>
<tr>
<td>State Heritage Area (Colonel Light Gardens) Policy Area 3 - Local Shopping Precincts</td>
<td>No additional allotments contemplated</td>
<td>No additional allotments contemplated</td>
<td>Not stated</td>
<td>1-storey</td>
<td>Suburban Main Street</td>
<td>No TNV prescribed</td>
<td>No TNV prescribed</td>
<td>Missing TNV data on height and storeys. Also refer to comments on zoning on page 7</td>
<td></td>
</tr>
</tbody>
</table>

---

Note: TNV = Townsville New Urbanity, DTS/DPF = Design, Town Planning Standards.
# Commercial/Industrial

<table>
<thead>
<tr>
<th>CURRENT DEVELOPMENT PLAN ZONE</th>
<th>CURRENT DEVELOPMENT PLAN POLICY AREA</th>
<th>CURRENT MINIMUM ALLOTMENT SIZE</th>
<th>CURRENT MINIMUM FRONTAGE</th>
<th>CURRENT MAXIMUM HEIGHT</th>
<th>CURRENT STOREYS</th>
<th>PLANNING &amp; DESIGN CODE ZONE</th>
<th>TNV HEIGHT</th>
<th>TNV STOREYS</th>
<th>CITY OF MITCHAM RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial (Coromandel Parade)</td>
<td>N/A</td>
<td>450 m²</td>
<td>Detached 15m</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Suburban Business and Innovation</td>
<td>No TNV prescribed</td>
<td>P.O 3.1 a. 9m. b. 12m</td>
<td>✓ Code TNV correct but refer to comments on page 31 for comments on zoning</td>
</tr>
<tr>
<td>Commercial (Main Road)</td>
<td>N/A</td>
<td>450 m²</td>
<td>Detached 15m</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Suburban Business and Innovation</td>
<td>P.O 3.1 a. 9m. b. 12m</td>
<td>P.O 3.1 a. 2 building levels b. 3 building levels</td>
<td>✓ Code TNV correct but refer to comments on page 31 for comments on zoning</td>
</tr>
<tr>
<td>Commercial (South Road)</td>
<td>N/A</td>
<td>N/A</td>
<td>10m</td>
<td>2-storeys</td>
<td>Suburban Employment</td>
<td>No TNV prescribed</td>
<td>No TNV prescribed</td>
<td>✓ TNV not applicable in Suburban Employment Zone.</td>
<td></td>
</tr>
<tr>
<td>District Centre</td>
<td>Lower Mitcham/Torrens Park</td>
<td>N/A</td>
<td>Not specified</td>
<td>2-storeys</td>
<td>Suburban Activity Centre</td>
<td>No TNV prescribed</td>
<td>No TNV prescribed – Reference in DTS/DPF 3.1 that buildings should comply with TNV</td>
<td>× TNV missing for maximum height and storeys</td>
<td></td>
</tr>
<tr>
<td>District Centre</td>
<td>Blackwood</td>
<td>N/A</td>
<td>Not higher than 30 degrees from the horizontal plane emanating from the street frontage</td>
<td>2-storeys</td>
<td>Urban Activity Centre</td>
<td>No TNV prescribed</td>
<td>No TNV prescribed – Reference in DTS/DPF 3.1 that buildings should comply with TNV</td>
<td>× TNV missing for maximum height and storeys</td>
<td></td>
</tr>
<tr>
<td>District Centre</td>
<td>Cumberland Park</td>
<td>N/A</td>
<td>Not Specified</td>
<td>Not Specified</td>
<td>Urban Activity Centre</td>
<td>No TNV prescribed</td>
<td>No TNV prescribed – Reference in DTS/DPF 3.1 that buildings should comply with TNV</td>
<td>× TNV missing for maximum height and storeys</td>
<td></td>
</tr>
<tr>
<td>General Industry</td>
<td>N/A</td>
<td>N/A</td>
<td>30m</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Employment</td>
<td>No TNV prescribed</td>
<td>No TNV prescribed</td>
<td>✓ PO 4.2</td>
</tr>
</tbody>
</table>

City of Mitcham – Council Consultation Response
<table>
<thead>
<tr>
<th>Industry/Commerce (Melrose Park)</th>
<th>Industry/Commerce District Centre Fringe Policy Area 14</th>
<th>1,500m²</th>
<th>30m</th>
<th>See Fig ... below</th>
<th>See Fig ... below</th>
<th>Suburban Employment</th>
<th>No TNV prescribed</th>
<th>PO 4.1, 4.2 DTS/DPF 4.1, 4.2</th>
<th>DTS/DPF 4.2</th>
<th>✓</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry/Commerce (Melrose Park)</td>
<td>Industry/Commerce Interface Policy Area 13</td>
<td>1,500 m²</td>
<td>30m</td>
<td>8m³</td>
<td>See Fig ... below</td>
<td>Employment</td>
<td>No TNV prescribed</td>
<td>PO 4.2 DTS/DPF 4.2</td>
<td>No TNV prescribed</td>
<td>PO 4.2 DTS/DPF 4.2</td>
</tr>
<tr>
<td>Industry/Commerce (Melrose Park)</td>
<td>Industry/Commerce Interface Policy Area 13</td>
<td>1,500 m²</td>
<td>30m</td>
<td>See Fig ... below</td>
<td>See Fig ... below</td>
<td>Employment</td>
<td>No TNV prescribed</td>
<td>PO 4.2 DTS/DPF 4.2</td>
<td>No TNV prescribed</td>
<td>PO 4.2 DTS/DPF 4.2</td>
</tr>
<tr>
<td>Light Industry</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Suburban Employment</td>
<td>No TNV prescribed</td>
<td>No TNV prescribed</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Local Centre</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Suburban Activity Centre</td>
<td>No TNV prescribed</td>
<td>No TNV prescribed</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Mixed Use (Repit site)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Any portion of building above 2-storeys (8 metres) to be constructed in 50-degree building envelope</td>
<td>5-storeys</td>
<td>Innovation - Rehabilitation subzone</td>
<td>No TNV prescribed</td>
<td>5-storeys</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Mixed Use (Belair Road)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>10m</td>
<td>3-storeys</td>
<td>Suburban Business and Innovation</td>
<td>No TNV prescribed</td>
<td>P.O 3.1 a. 9m. b. 12m</td>
<td>No TNV prescribed</td>
<td>P.O 3.1 a. 2 building levels b. 3 building levels</td>
</tr>
<tr>
<td>Mixed Use (Goodwood Road)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Non-residential 6.5m</td>
<td>1-storey</td>
<td>Business Neighbourhood</td>
<td>P.O 3.1 a. 9m. b. 12m</td>
<td>P.O 3.1 a. 2 building levels b. 3 building levels</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Neighbourhood Centre</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Not Specified</td>
<td>Not Specified</td>
<td>Suburban Activity Centre</td>
<td>No TNV prescribed</td>
<td>No TNV prescribed</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>
### Regional Activity

<table>
<thead>
<tr>
<th>Area</th>
<th>Density/Height</th>
<th>Setback/Storeys</th>
<th>Innovation</th>
<th>TNV Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core Area</td>
<td>80 dwellings per hectare</td>
<td>40.5m</td>
<td>10-storeys</td>
<td>No TNV prescribed</td>
</tr>
<tr>
<td>Flinders Village Area</td>
<td>80 dwellings per hectare</td>
<td>40.5m</td>
<td>10-storeys</td>
<td>No TNV prescribed</td>
</tr>
<tr>
<td>Land adjacent residential zone boundary</td>
<td>50 dwellings per hectare</td>
<td>16.5m</td>
<td>4-storeys</td>
<td>Innovation</td>
</tr>
<tr>
<td>Open Space Area</td>
<td>No land division anticipated</td>
<td>4.5m</td>
<td>1-storey</td>
<td>No TNV prescribed</td>
</tr>
</tbody>
</table>

### Industry/Commerce (Melrose Park) Zone

<table>
<thead>
<tr>
<th>Maximum Height</th>
<th>Minimum Setback - Primary Road</th>
<th>Minimum Setback - Secondary Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 6m</td>
<td>8m</td>
<td>4m</td>
</tr>
<tr>
<td>Between 6-8m</td>
<td>10m</td>
<td>4m</td>
</tr>
<tr>
<td>More than 8, less than 10</td>
<td>12m</td>
<td>4m</td>
</tr>
</tbody>
</table>
# Community Facilities

<table>
<thead>
<tr>
<th>ASSOCIATED AREA</th>
<th>CURRENT DEVELOPMENT PLAN POLICY AREA</th>
<th>CURRENT MAXIMUM HEIGHT</th>
<th>PLANNING &amp; DESIGN CODE ZONE</th>
<th>TNV HEIGHT</th>
<th>CITY OF MITCHAM RESPONSE TO TNV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waite Institute</td>
<td>Institutional</td>
<td>Community Facilities</td>
<td>No TNV prescribed. DTS/DPF 2.1 states that building height does not exceed height specified in TNV</td>
<td>×</td>
<td>TNV to be applied to reflect the open character sought for the existing Zone</td>
</tr>
<tr>
<td>Centennial Park</td>
<td>Institutional</td>
<td>Community Facilities</td>
<td>No TNV prescribed. Comments as above</td>
<td>×</td>
<td>TNV to be applied to reflect the open character sought for the existing Zone</td>
</tr>
<tr>
<td>Kegworth Street</td>
<td>Institutional</td>
<td>Community Facilities</td>
<td>No TNV prescribed. Comments as above</td>
<td>×</td>
<td>TNV to be applied to reflect the open character sought for the existing Zone</td>
</tr>
<tr>
<td>Carrick Hill</td>
<td>Institutional</td>
<td>Community Facilities</td>
<td>No TNV prescribed. Comments as above</td>
<td>×</td>
<td>TNV to be applied to reflect the open character sought for the existing Zone</td>
</tr>
<tr>
<td>Eden Hills – (Colebrook Aboriginal Lands Trust, Karinya Reserve, Blackwood High and Primary School, Wittunga Botanical Gardens)</td>
<td>Institutional</td>
<td>Community Facilities</td>
<td>No TNV prescribed. Comments as above</td>
<td>×</td>
<td>TNV to be applied to reflect the open character sought for the existing Zone</td>
</tr>
<tr>
<td>South Australian Women’s Memorial Playing Fields</td>
<td>Institutional</td>
<td>Community Facilities</td>
<td>No TNV prescribed. Comments as above</td>
<td>×</td>
<td>TNV to be applied to reflect the open character sought for the existing Zone</td>
</tr>
<tr>
<td>Blackwood Forest Reserve</td>
<td>Institutional</td>
<td>Community Facilities</td>
<td>No TNV prescribed. Comments as above</td>
<td>×</td>
<td>TNV to be applied to reflect the open character sought for the existing Zone</td>
</tr>
<tr>
<td>Location</td>
<td>Use</td>
<td>Prescribed Use</td>
<td>Notes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------</td>
<td>------------</td>
<td>----------------</td>
<td>----------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot 36 and Lot 101 Riverside Drive, Bedford Park</td>
<td>Institutional</td>
<td>Community Facilities</td>
<td>No TNV prescribed. Comments as above. TNV to be applied to reflect the open character sought for the existing Zone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>St Marys Anglican Church and Cemetery</td>
<td>Special Uses</td>
<td>Community Facilities</td>
<td>No TNV prescribed. Comments as above. TNV to be applied to reflect the open character sought for the existing Zone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>St Bernadette’s Primary School</td>
<td>Special Uses</td>
<td>Community Facilities</td>
<td>No TNV prescribed. Comments as above. TNV to be applied to reflect the open character sought for the existing Zone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>St Marys Oval (Panther Park)</td>
<td>Special Uses</td>
<td>Community Facilities</td>
<td>No TNV prescribed. Comments as above. TNV to be applied to reflect the open character sought for the existing Zone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.A. Bailey Reserve</td>
<td>Special Uses</td>
<td>Community Facilities</td>
<td>No TNV prescribed. Comments as above. TNV to be applied to reflect the open character sought for the existing Zone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hawthorn Oval (Price Memorial Oval)</td>
<td>Special Uses</td>
<td>Community Facilities</td>
<td>No TNV prescribed. Comments as above. TNV to be applied to reflect the open character sought for the existing Zone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kingswood Oval</td>
<td>Special Uses</td>
<td>Community Facilities</td>
<td>No TNV prescribed. Comments as above. TNV to be applied to reflect the open character sought for the existing Zone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitcham Civic Centre, Mitcham Railway Station and Mitcham Library</td>
<td>District Centre</td>
<td>Community Facilities</td>
<td>No TNV prescribed. Comments as above</td>
<td>TNV to be applied to reflect the open character sought for the existing Zone</td>
<td></td>
</tr>
</tbody>
</table>
Part 5. Land Use Definitions

Land Use Definitions

“Land use definitions lists terms which may be used in the Planning and Design Code in relation to the use of land.

A term not defined in the land use definition table will have its ordinary meaning unless the term is defined in the Planning, Development and Infrastructure Act 2016 or its Regulations (or any relevant practice direction or practice guideline issued by the State Planning Commission) in which case that meaning will apply.”

– Source Planning and Design Code – Draft Consultation Material

<table>
<thead>
<tr>
<th>Land Use Definition</th>
<th>Council Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ancillary Accommodation</td>
<td>Currently undefined by Development Act and Regulations. Further refinement to definition to clearly indicate whether it includes:</td>
</tr>
<tr>
<td>(a) is located on the same allotment as an existing dwelling;</td>
<td>• Granny flats;</td>
</tr>
<tr>
<td>(b) contains no more than 1 bedroom or room or area capable of being used as a bedroom; and</td>
<td>• Rooms used for short-term accommodation (i.e. Air B and B)</td>
</tr>
<tr>
<td>(c) is subordinate to and shares the same utilities of the existing dwelling.</td>
<td>• How a building comprising more than 1 bedroom is defined (2-bedroom granny flats are quite common). In some cases, a living room is also capable of being used as a bedroom.</td>
</tr>
<tr>
<td></td>
<td>• Does this also include habitable outbuildings i.e. detached pool houses and rumpus rooms?</td>
</tr>
<tr>
<td></td>
<td>This definition is ambiguous.</td>
</tr>
</tbody>
</table>

| Educational Establishment | This has marginally changed from the current definition in the Development Regulation which reads as follows: |
|--------------------------|“educational establishment means a secondary school, college, university or technical institute, and includes an associated pre-school or institution for the care and maintenance of children”. |
| Means a primary school, secondary school, reception to year 12 school, college, university or technical institute, and includes an associated pre-school or institution for the care and maintenance of children. | Positively, the change ensures a ‘primary school’ does not have to be “associated” and can be treated as an “educational establishment” in its own right. |

| Electricity substation | Currently undefined by Development Act and Regulations. |
|------------------------|Does this include transmission lines, power lines or a distribution main as currently mentioned in the Development Regulations? |
| Means— | |
| (a) works for the conversion, transformation or control of electricity by 1 or more transformers, or by any switchgear or other equipment; or (b) any equipment, building, structure or other works ancillary to or associated with works referred to in |
paragraph (a), other than any such works—
(i) that are mounted on a pole; or
(ii) that are wholly enclosed in a weather-proof enclosure
not exceeding 8.5m³; or
(iii) that are incidental to any lawful use of the land which
the works are situated.

**Outbuilding**

Means a non-habitable detached building on the same site as
a main building which is ancillary and subordinate to the
main building and has a use and function which relates to the
main building.

Currently undefined by Development Act and
Regulations, however Development Regulations
explains that an outbuilding does not include a private
bushfire shelter.

**Personal or domestic services establishment**

Means premises used for the provision of services catering to
the personal or domestic needs of customers:

The following are examples of services that may be
available at personal and domestic services Establishments:

- a) clothing repair and alterations;
- b) cutting, trimming and styling hair;
- c) domestic pet grooming;
- d) manicures and pedicures;
- e) non-surgical cosmetic treatments;
- f) personal care treatments;
- g) self-service clothes laundering;
- h) shoe repair;
- i) watch repair.

Currently included in the definition of "shop" as per the
Development Act and Regulations.

Also included in the definition of "shop" as per the
Planning and Design Code.

This definition appears to provide additional clarity
about what a personal or domestic services
establishment actually is. Such uses appear to be of a
small domestic scale.

**Place of worship**

Means premises used by an organised group for worship
and religious activities. The use may include facilities for
social, educational and charitable activities associated with
the congregation.

This is undefined by the current Development Act and
Regulations however the term "place of worship" is
commonly used in planning practice.

The definition is helpful as it provides clarity
surrounding the land use and is inclusive by applying to
all religions.

**Protective tree netting structure**

Means netting and any associated structure:

(a) that is designed to protect trees or plants grown for the
purpose of commercial horticulture; and

(b) that consists of a netting canopy attached to a structure
(such as poles and cables).

This is undefined by the current Development Act and
Regulations.

Should this only apply to trees or plants grown for a
commercial purpose?

Notably, residential shade structures are currently
exempt from needing Development Plan Consent
when under 20 square metres.
# Part 6. Administrative Definitions

**Administrative Definitions**

“Administrative definitions lists terms which may be used to assist with the interpretation of policy in the Planning and Design Code.

A term not defined in the land use definition table will have its ordinary meaning unless the term is defined in the Planning, Development and Infrastructure Act 2016 or its Regulations (or any relevant practice direction or practice guideline issued by the State Planning Commission) in which case that meaning will apply.”

---

Source: Planning and Design Code – Draft Consultation Material

<table>
<thead>
<tr>
<th>Administrative Definition</th>
<th>Council Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Collector Road</strong></td>
<td>The Code consistently provides different requirements for gross floor areas for shop uses if it is located on a Collector Road. A definition for collector road should be provided or defined by way of an overlay within the Code to prevent confusion.</td>
</tr>
<tr>
<td>Not currently defined within the Code.</td>
<td></td>
</tr>
<tr>
<td><strong>Density</strong></td>
<td>Should this be expressed in “dwelling units per hectare” as per the definition of “low density”? (i.e. it should be calculated by dividing 10,000 by the site area and multiplying that number by the proposed number of dwellings).</td>
</tr>
<tr>
<td>In relation to residential development, means the number of dwelling units in a given area.</td>
<td>Should this exclude roads, public open space and services? Will this cause confusion when calculating “average site area” for residential flat buildings where ERD suggest including private roads and communal open spaces?</td>
</tr>
<tr>
<td>It is calculated by dividing the total number of dwellings by the area of residential land that they occupy (excluding other land uses, roads, public open space, and services).</td>
<td></td>
</tr>
<tr>
<td><strong>Low Density</strong></td>
<td>This matches the 30-year plan for Greater Adelaide (refer page 169) and is considered appropriate.</td>
</tr>
<tr>
<td>Means less than 35 dwelling units per hectare.</td>
<td>Some council Development Plans are inconsistent about how density is applied. A consistent definition is appropriate.</td>
</tr>
<tr>
<td><strong>Building Level</strong></td>
<td>Building Level is currently undefined by the Development Act or Regulations.</td>
</tr>
<tr>
<td>Means that portion of a building which is situated between the top of any floor and the top of the next floor above it, and if there is no floor above it, that portion between the top of the floor and the ceiling above it. It does not include a floor located 1.5 metres below finished ground level or any mezzanine.</td>
<td>This definition is overly wordy and confusing.</td>
</tr>
<tr>
<td>Building Level is currently undefined by the Development Act or Regulations.</td>
<td>Could this definition simply read as follows:</td>
</tr>
<tr>
<td>This definition is overly wordy and confusing.</td>
<td><em>Portion of a building between the floor and ceiling, with or without a level below or above. It does not include a floor located 1.5 metres below finished ground or any mezzanine.</em></td>
</tr>
<tr>
<td>Like some other definitions, an illustration could be included to assist demonstrate. The TNV overlay also</td>
<td></td>
</tr>
</tbody>
</table>
| **Habitable Room**  
Means any room used for domestic purposes other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, hallway, lobby, clothes drying room or other space of specialised nature occupied neither frequently nor for extended periods. | Could this include a detached pool room, rumpus rooms or bedroom? It is presumed these are included given they are not specifically excluded. |
|---|---|
| **Wall height**  
Means the height of the wall measured from the top of its footings but excluding any part of the wall that is concealed behind an eave or similar roof structure and not visible external to the land. | Like some other definitions, could an illustration be included? |
Part 7. Attachments

Attachment A


Desired Outcome (DO)

DO 1
Retain and reinforce historic themes and characteristics through conservation, enhancement and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns in streetscapes and built form as expressed in the Historic Area Statement.

Built Form

PO 1.1
The form of new buildings and structures that are visible from the public realm are consistent with the prevailing historic attributes and characteristics of the historic area.
DTS 1.1 None are applicable

PO 1.2
Development is consistent with the prevailing building and visible external wall heights in the historic area.
DTS 1.2 None are applicable

PO 1.3
Design and architectural detailing of street facing buildings complement the prevailing characteristics in the historic area, including reinstatement of lost original detail.
DTS 1.3 None are applicable

PO 1.4
Development is consistent with the prevailing front and side boundary setback pattern in the historic area.
DTS 1.4 None are applicable

PO 1.5
Materials are either consistent with or complement those within the historic area.
DTS 1.5 None are applicable

Alterations and additions

PO 2.1
Alterations and additions complement the subject building and are sited to ensure they do not dominate the primary facade, and employ a contextual design approach, **respectful of the side setbacks in design and placement and the original character.**

DTS 2.1

Alterations and additions are fully contained within the roof space of an existing building or located to the rear with no external alterations made to the building elevation facing the primary street.

PO 2.2

Encourage the adaptive reuse of buildings that complement the prevailing historic values and character of the locality, by enabling complementary changes to buildings to accommodate new land uses, **particularly to the rear.**

DTS 2.2

None are applicable

**Ancillary development**

PO 3.1 Ancillary development, including carports, outbuildings and garages, complements the historic character of the area and associated buildings, **sited to ensure they do not dominate the primary facade, and employ a contextual design approach.**

DTS 3.1

None are applicable

PO 3.2

Ancillary development, including carports, outbuildings and garages, are located behind the building line of the principal building(s), **sited to ensure they do not dominate the primary facade, and employ a contextual design approach.**

DTS 3.2

None are applicable

PO 3.3

Advertising and advertising hoardings signage is located and designed to complement the building, be unobtrusive, not conceal or obstruct significant architectural elements and detailing, or dominate the building or its setting, **through integration with the building elements.**

DTS 3.3

None are applicable

PO 3.4

Front fencing and gates are consistent with the traditional period, style and form of the associated built form and generally be low or open.

DTS 3.4

None are applicable
Land Division

PO 4.1
Land division creates allotments that are capable of accommodating buildings of a bulk and scale that reflect existing buildings and setbacks in the historic area, without compromise to the setting and performance of existing buildings.

DTS 4.1
None are applicable

Context and Streetscape Amenity

PO 5.1
The width and number of driveways and other vehicle access ways are consistent with the prevalent width of existing driveways of the historic area.

DTS 5.1 None are applicable

PO 5.2
Development maintains the valued landscape patterns and characteristics that contribute to the historic area, except where they compromise safety, create nuisance, or impact adversely on existing buildings or infrastructure.

DTS 5.2
None are applicable

Demolition

PO 6.1
Buildings and structures that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:

(a) the front elevation of the building has been substantially altered and cannot be reasonably, economically restored in a manner consistent with the building's original style; or

(b) the existing building façade does not contribute to the historic character of the streetscape; or

(c) the structural integrity or condition of the building is beyond economic repair.

And in all cases

(d) suitable replacement development satisfying PO 1.1 to 1.5 is approved prior to demolition.

DTS 6.1
None are applicable

PO 6.2
Partial demolition of a building where that portion to be demolished does not contribute to the historic character of the streetscape.

DTS 6.2
None are applicable

PO 6.3
Buildings, or elements of buildings, that do not conform with the values described in the historic areas statement may be demolished, provided a suitable replacement development satisfying PO 1.1 to 1.5 is approved prior to demolition.

DTS 6.3
None are applicable

**Ruins**

PO 7.1
Development that conserves and complements features and ruins associated with former activities of significance including those associated with mining, farming and industry.

DTS 7.1
None are applicable
Attachment B

Local Heritage Place Overlay – Assessment Provisions

Desired Outcome (DO)

DO 1
Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.

Built Form

PO 1.1
The form and location of new buildings and structures maintains the heritage values of the Place.
DTS 1.1
None are applicable.

PO 1.2
Massing, scale and placement of development maintains the heritage values of the Place and retains the visual prominence, principal elevations and views of the Place.
DTS 1.2
None are applicable.

PO 1.3
Design and architectural detailing and placement maintains the heritage values of the Place.
DTS 1.3 None are applicable.

PO 1.4
Development is consistent with boundary setbacks and setting.
DTS 1.4
None are applicable.

PO 1.5
Materials and colours are either consistent with or complement the heritage values of the Place without replication.
DTS 1.5
None are applicable.

PO 1.6
New buildings are not placed or erected between the front and secondary street boundaries and the façades of a Local Heritage Place.
DTS 1.6
None are applicable.

PO 1.7
Development of a Local Heritage Place retains all physical elements contributing to its heritage value.

DTS 1.7
None are applicable.

**Alterations and Additions**

PO 2.1
Alterations and additions complement the subject building and are sited to be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the Place or its setting.

DTS 2.1
None are applicable.

PO 2.2
Encourage the adaptive reuse of Local Heritage Places by enabling compatible changes to buildings to accommodate new land uses to facilitate its conservation.

DTS 2.2
None are applicable.

**Ancillary Development**

PO 3.1
Ancillary development, including carports, outbuildings and garages, complements and does not dominate the heritage values of the Place.

DTS 3.1
None are applicable.

PO 3.2 Ancillary development, including carports, outbuildings and garages, and solar panels is located behind the building line of the principle building(s) sufficient and separated to retain visual prominence.

DTS 3.2
None are applicable.

PO 3.3
Advertising and advertising hoardings should be designed to complement the Local Heritage Place, be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the building or its setting and be of a scale and integrated with the building elements of the Place.
DTS 3.3 None are applicable.

Land Division

PO 4.1

Land division creates allotments that:
(a) are compatible with the surrounding pattern of subdivision of the Local Heritage Place; and
(b) are of a dimension to accommodate new development that reinforces and is compatible with the heritage values of the Local Heritage Place.
(c) allows the Local Heritage Place to retain its use and levels of amenity and functional performance.

DTS 4.1

None are applicable.

Landscape Context and Streetscape Amenity

PO 5.1 Individually heritage listed trees, parks, historic gardens and memorial avenues retained unless:
(a) trees/plantings are, or have the potential to be, a danger to life or property; or
(b) trees/plantings are significantly diseased, and their life expectancy is short;
and in both cases.
(c) a suitable replacement program is proposed

DTS 5.1 None are applicable.

Demolition

PO 6.1

Local Heritage Places are not demolished, destroyed or removed in total or in part unless either of the following apply:
(a) the portion of the Place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value;
(b) the structural integrity or condition of the building represents an unacceptable risk to public or private safety and is irredeemably beyond repair.

DTS 6.1

None are applicable.

PO 6.2
The demolition, destruction or removal of a building, portion of a building or other feature or attribute is appropriate where it does not contribute to the heritage values of the Place.

DTS 6.2

None are applicable.

Conservation Works

PO 7.1

Conservation works to the exterior of a Place match existing materials to be repaired and utilise traditional work methods.

DTS 7.1 None are applicable.
Attachment C


Desired Outcome (DO)

DO 1 Development maintains and enhances the heritage and cultural values of State Heritage Places through conservation, ongoing use and adaptive reuse.

Performance Outcomes and Deemed to Satisfy / Designated Performance Outcome Criteria

Built Form

PO 1.1
The form of new buildings and structures maintains without domination the heritage values of the Place.
DTS 1.1
None are applicable.

PO 1.2
Massing, scale and siting of development maintains the heritage values, principal elevations and views of the Place.
DTS 1.2
None are applicable.

PO 1.3
Design and architectural detailing maintains the heritage values of the Place.
DTS 1.3
None are applicable.

PO 1.4
Development is consistent with boundary setbacks and setting.
DTS 1.4
None are applicable.

PO 1.5
New materials and colours are either consistent with or complement the heritage values of the Place, without replication.
DTS 1.5
None are applicable.

PO 1.6
New buildings are not placed or erected between the front street boundary and the façade of a State Heritage Place and separated to distinguish the described portion.
DTS 1.6
None are applicable.

PO 1.7
Development of a State Heritage Place retains elements contributing to its heritage value including principal elevations and views of the Place.

DTS 1.7 None are applicable

Alteirations and Additions

PO 2.1
Alterations and additions complement the subject building and are sited to be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the Place or its setting.

-DTS 2.1
None are applicable.

Ancillary Development

PO 3.1
Ancillary development, including carports, outbuildings and garages, complement the heritage values of the Place.

DTS 3.1
None are applicable.

PO 3.2
Ancillary development, including carports, outbuildings and garages, is located behind the building line of the principal building(s).

DTS 3.2
None are applicable.

PO 3.3
Advertising and advertising hoardings are designed and located to complement the State Heritage Place, be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the building or the setting and be of a scale and integration with the elements of the Place.

DTS 3.3 None are applicable.

Land Division

PO 4.1
Land division creates allotments that:

(a) are compatible with the surrounding pattern of subdivision of the State Heritage Place; and
(b) are of a dimension to accommodate new development that reinforces and is compatible with the heritage values of the State Heritage Place;

(c) do not compromise the setting, use or performance of the Place.

DTS 4.1 None are applicable.

Landscape Context and Streetscape Amenity

PO 5.1 Individually heritage listed trees, parks, historic gardens and memorial avenues retained unless:

(a) trees/plantings are, or have the potential to be, a danger to life or property; or

(b) trees/plantings are significantly diseased and their life expectancy is short.

And in both case:

(c) a suitable replacement program is proposed

DTS 5.1 None are applicable.

Demolition

PO 6.1 State Heritage Places are not demolished, destroyed or removed in total or in part unless either of the following apply:

(a) the portion of the Place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value; or

(b) the structural condition of the Place represents an unacceptable risk to public or private safety and results from actions and unforeseen events beyond the control of the owner and is irredeemably beyond repair.

DTS 6.1 None are applicable.

Conservation Works

PO 7.1 Conservation works to the exterior of a Place and other features of identified heritage value match existing materials to be repaired and utilise traditional work methods.

DTS 7.1 None are applicable.

Class of Development/Activity

(referrals)

Except where:

(i) the development is to be undertaken in accordance with a Heritage Agreement under the Heritage Places Act 1993; or

(ii) the development is, in the opinion of the relevant authority, minor in nature or like for like maintenance and would not warrant a referral when considering the purpose of the referral the following forms of development:

(a) demolition of internal or external significant building fabric;
(b) freestanding advertisements, signs and associated structures that are visible from a public street, road or thoroughfare that abuts the State Heritage Place;
(c) alterations or additions to buildings that:

(ii) are visible from a public street, road or thoroughfare that abuts the State Heritage Place;
may materially affect the context of a State Heritage Place; or
(iv) involve any physical impact to the fabric of significant buildings;
(d) new buildings that:
(i) are visible from a public street, road or thoroughfare that abuts the State Heritage Place; or
(ii) may materially affect the context of the State Heritage Place;
(e) conservation repair works that are not representative of 'like for like' maintenance;
(f) solar panels that are visible from a public street, road or thoroughfare that abuts the State Heritage Place;
(g) land division;
(h) the removal, alteration or installation of fencing where visible from a public street, road or thoroughfare that abuts the State Heritage Place; or
(i) the removal of an individual tree or a tree within a garden or park of identified heritage significance.
Attachment D
East Waste Comments

East Waste Comment to City of Mitcham regarding Planning and Design Code (Waste Management)

13 January 2020

<table>
<thead>
<tr>
<th>Pg. No</th>
<th>Reference</th>
<th>EW Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2227</td>
<td>Design in Urban Areas Assessment Provisions (AP) Desired Outcome (DO) DO 1 Development that is: (d) sustainable – by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.</td>
<td>Does not mention waste management, which I believe it should. Also whether it was included here of as a separate comment, a link to circular economy in the sourcing of materials (particularly those containing recycled material) would be valuable;</td>
</tr>
<tr>
<td>2228</td>
<td>PO 1.5</td>
<td>The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form) taking into account the form of development contemplated in the relevant zone.</td>
</tr>
<tr>
<td>2230</td>
<td>PO 6.4</td>
<td>Street level vehicle parking areas that are open to the sky are landscaped to provide shade and reduce solar heat absorption and reflection.</td>
</tr>
<tr>
<td>2235</td>
<td>PO 12.1</td>
<td>Development provides dedicated area for on-site collection and sorting of recyclable materials and refuse, green organic waste and wash bay facilities for the ongoing maintenance of bins that is adequate in size considering the number and nature of the activities they will serve and the frequency of collection.</td>
</tr>
<tr>
<td>2235</td>
<td>PO 12.4</td>
<td>Communal waste storage and collection areas designed to allow waste and recycling collection vehicles to enter and leave the site without reversing.</td>
</tr>
<tr>
<td>Pg. No</td>
<td>Reference</td>
<td>EW Comment</td>
</tr>
<tr>
<td>--------</td>
<td>-----------</td>
<td>------------</td>
</tr>
<tr>
<td>2243</td>
<td>PO 23.3</td>
<td>Also include comment around need for space and suitable footing (ie flat grass) for residential bin presentation (as a guide, one linear metre/bin)</td>
</tr>
<tr>
<td>2244</td>
<td>DTS / DPF 24.1</td>
<td>(a) Suggest the wording 'per dwelling' is included after 3m² in the definition. ( (b) ) Suggest the wording 'or bin presentation area' is included after street.</td>
</tr>
<tr>
<td>2249</td>
<td>PO 35.3</td>
<td>Suggest including 'green organics' in this definition so that it is explicit that it is a requirement.</td>
</tr>
<tr>
<td>2249</td>
<td>PO 35.5</td>
<td>Suggest that this is reworded to include a discussion with Council and/or contractor on most appropriate mechanism. If the street frontage allows it is still the preferred place of collection, regardless of number. On the other hand, there may be scenarios where a group of 5 - 8 houses are best serviced via bulk bins (660litres).</td>
</tr>
<tr>
<td>2251</td>
<td>PO 39.4</td>
<td>As per 35.3</td>
</tr>
<tr>
<td>2251</td>
<td>PO 39.6</td>
<td>As per 35.5</td>
</tr>
</tbody>
</table>

**General Comment**

- Maximisation of off-street parking to minimise on-street congestion, in order to facilitate smooth egress and servicing for waste collection vehicles
- The need for an approved Waste Management Plan from Council for developments more than 5 dwellings in order to maximise co-design best system (refer 35.5)
- Greater recognition throughout of the inclusion of green organics collections (food waste)